



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं० 21] नई दिल्ली, मई 15—मई 21, 2005, शनिवार/वैशाख 25—वैशाख 31, 1927
No. 21] NEW DELHI, MAY 15—MAY 21, 2005, SATURDAY/VAISAKHA 25—VAISAKHA 31, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि के अंतर्गत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश, उप-नियम आदि सम्मिलित हैं)

General Statutory Rules (Including Orders, Bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

वित्त मंत्रालय
(राजस्व विभाग)
(केन्द्रीय उत्पाद शुल्क, कोल- VII आयुक्तालय)
कोलकाता, 2 मई, 2005

सं० 01/2005-सी०शु० (एनटी)

का. आ. 1835.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना सं० 33/94 सी०शु० (एनटी) दिनांक 01-07-94 तथा एम.एफ. (डी. आर.) परिपत्र सं० 31/2003 सी०शु० दिनांक 07-04-2003 के साथ पठनीय सीमा शुल्क अधिनियम, 1962 की धारा 9 में प्रदत्त शक्तियों का प्रयोग करते हुए, यथा भारत सरकार, वाणिज्य मंत्रालय, फलता विशेष आर्थिक क्षेत्र के विकास आयुक्त के द्वारा स्वीकृत, पश्चिम बंगाल के भाषा, डा० घ० विष्णुपुर, जिला 24 परगना (दक्षिण), को एतद्वारा सीमित प्रयोजनों के लिए 100% निर्यातोन्मुखी उपक्रम के रूप में एक भण्डारण स्टेशन घोषित किया जाता है।

[सी.सं. V (13)2-सी ई/टेक/कोल-VII/2005/5607]

ब्रोजेन थामर, आयुक्त

MINISTRY OF FINANCE
(Department of Revenue)
(OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE KOLKATA-VII COMMISSIONERATE)
Kolkata, the 2nd May, 2005
NO. 01/2005-CUSTOMS (NT)

S.O. 1835.—In exercise of the powers conferred under Section 9 of the Customs Act, 1962 read with Notification No. 33/94-Cus (NT) dated 1-7-94 of Government of India, Ministry of Finance, Department of Revenue, New Delhi and

M.F. (D.R.) Circular No. 31/2003-Customs dated 07-04-2003, Bhasa, P.O. Bishnupur, District South 24 Parganas, in the state of West Bengal is hereby declared as a warehousing station for the limited purpose of setting up hundred per cent Export Oriented Undertaking as approved by the Development Commissioner, Flata Special Economic Zone, Ministry of Commerce and Industry, Government of India, Kolkata.

[C. No. V(13)2-CE-TECH/KOL-VII/2005/5607]

BROJENTHAMAR, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 मई, 2005

का. आ. 1836.— भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा 6 की उप-धारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्रीमती गौरी सिंह, प्रबंध निदेशक, मध्य प्रदेश वित्तीय निगम को श्री आर. पी. वटल, भूतपूर्व प्रबंध निदेशक, एपीएसएफसी के स्थान पर 16 मई, 2005 से तीन वर्ष की अवधि के लिए भारतीय लघु उद्योग विकास बैंक (सिडबी) के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नियुक्त करती है।

[फा० सं. 24/5/2002-आईएफ-1]

मार्गरेट गंगटे, अवर सचिव

(DEPARTMENT OF ECONOMIC AFFAIRS)

(Banking Division)

New Delhi, the 16th May, 2005

S.O. 1836.—In exercise of the powers conferred by clause (e) of Sub-section (1) of Section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby appoints Smt. Gauri Singh, MD, Madhya Pradesh Financial Corporation *vice* Shri R.P. Watal, *ex*-MD, APSFC as part-time non-official director on the Board of Directors of Small Industries and Development Bank of India (SIDBI) for a period of three years with effect from 16th May, 2005.

[F. No. 24/5/2002-I.F-I]

MARGRET GANGTE, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 4 मई, 2005

का. आ. 1837.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पावरग्रिड कारपोरेशन ऑफ इंडिया लि०, गुड़गांव के प्रशासनिक नियंत्रणाधीन पावरग्रिड कारपोरेशन ऑफ इंडिया लि. के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्द्वारा अधिसूचित करती है:

1. पावरग्रिड कारपोरेशन ऑफ इंडिया लि०,
400/220 के०वी० जमशेदपुर उपकेंद्र,
गांव-रामचंद्रपुर, पो०-गम्हरिया,
जिला-सरायकेला (खरसवां),
झारखंड-832108
2. पावरग्रिड कारपोरेशन ऑफ इंडिया लि०,
400/220 के०वी० सब स्टेशन (निर्माण),
गोबरसही चौक, मुजफ्फरपुर-842001

[सं. 11017/5/2005-हिंदी]

अजय शंकर, अपर सचिव

MINISTRY OF POWER

New Delhi, the 4th May, 2005

S.O. 1837.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the union) Rules, 1976 the Central Government hereby notifies the following offices of Powergrid Corporation of India Ltd.,

under the administrative control of Powergrid Corporation of India Ltd., Gurgaon, the staff whereof have acquired 80% working knowledge of Hindi :

1. Powergrid Corporation of India Ltd.,
400/220 KV Jamshedpur Sub-Station,
Village-Ramchandrapur, P.O. Gamharia,
Distt. Seraikela (Kharswan),
Jharkhand-832108
2. Powergrid Corporation of India Ltd.,
400/220 KV Sub-Station (Construction),
Gobarsahi Chowk, Muzaffarpur-842001.

[No. 11017/5/2005-Hindi]

AJAY SHANKAR, Addl. Secy.

**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
(उपभोक्ता मामले विभाग)**

भारतीय मानक ब्यूरो

नई दिल्ली, 19 अप्रैल, 2005

का. आ. 1838.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गए हैं :—

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आई एस 2171 : 1999	4 अप्रैल, 2005	30 अप्रैल, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

सतीश कुमार जैन, निदेशक व प्रमुख (सिविल इंजीनियरी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 19th April, 2005

S.O. 1838.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 2171 : 1999	4th April, 2005	30th April, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch

Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CED/Gazette]

S. K. JAIN, Director & Head (Civil Engg.)

नई दिल्ली, 11 मई, 2005

का. आ. 1839.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गए हैं :—

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आई एस 15397 : 2003	1 मार्च, 2005	31 मार्च, 2005
2. आई एस 4308 : 2003	1 अप्रैल, 2005	30 अप्रैल, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी 22/राजपत्र]

सतीश कुमार जैन, निदेशक व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 11th May, 2005

S.O. 1839.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1. IS 15397 : 2003	1st March, 2005	31st March, 2005
2. IS 4308 : 2003	1st April, 2005	30th April, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CED 22/Gazette]

S. K. JAIN, Director & Head (Civil Engg.)

नई दिल्ली, 12 मई, 2005

का. आ. 1840.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)
1. आई एस 15556 : 2005 लोहे का आयतनी और स्पेक्ट्रोमीटरी आकलन	आई एस 4284 : 1967 लोहे का आयतनी आकलन की पद्धति आई एस 4542 : 1968 लोहे का कलरमीटरी आकलन पद्धति	28 फरवरी, 2005

इस भारतीय मानक की प्रतिष्ठा भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 1/आई एस 15556]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 12th May, 2005

S.O. 1840.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15556 : 2005 VOLUMETRIC AND SPECTROPHOTOMETRIC ESTIMATION OF IRON	IS 4284 : 1967 Method for volumetric determination of iron IS 4542 : 1968 Colorimetric methods for determination of iron	28 February, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 1/IS 15556]

Dr. U.C. SRIVASTAVA, Scientist E, Director & Head (Chemical)

नई दिल्ली, 12 मई, 2005

क्रा. आ. 1841.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15573 : 2005 पॉलीएथिलीनियम क्लोराइड	—	30 अप्रैल, 2005

इस भारतीय मानक की प्रतिष्ठा भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 13/आई एस 15573]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 12th May, 2005

S.O. 1841.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standard Established	No. and year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15573 : 2005 POLYALUMINIUM CHLORIDE	—	30 April, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 13/IS 15573]

Dr. U. C. SRIVASTAVA, Scientist E, Director & Head (Chemical)

नई दिल्ली, 12 मई, 2005

का. आ. 1842.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गए हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1381 (भाग 1) : 2003/आई एस ओ 1773 : 1997 प्रयोगशाला काँच सामान—लघु ग्रीवा क्वथन फ्लास्क (दूसरा पुनरीक्षण)	संशोधन की संख्या 1 अप्रैल, 2005	30 अप्रैल, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 10/आई एस 1381 (भाग 1)]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 12th May, 2005

S.O. 1842.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and title of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 1381 (Part 1) : 2003/ISO 1773 : 1997 Laboratory glassware—Narrow-necked boiling flasks (Second Revision)	Amendment No. 1. April. 2005	30 April. 2005

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 10/T-1381(Part 1)]

Dr. U. C. SRIVASTAVA, Scientist E, Director & Head (Chemical)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 मई, 2005

का.आ. 1843.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2719 तारीख, 15 अक्टूबर, 2004 और का.आ. 2724 तारीख, 15 अक्टूबर, 2004, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थूलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 02 दिसम्बर, 2004 से 12 जनवरी, 2005 तक उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनों बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनों बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनों बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए (हैक्टेयर में)
1	2	3	4	5
राय बरेली	राय बरेली	सिद्धौना	2335	0-04-76
			945	0-17-37
			943	0-00-40

1	2	3	4	5
राय बरेली	राय बरेली	सिद्धौना	947	0-20-36
			948	0-07-54
			2324	0-29-27
			2323	0-40-36
			2328	0-38-20
			2352	0-00-22
			2353	0-08-72
			2351	0-08-74
			2356	0-02-53
			2357	0-11-21
			2358	0-04-74
			2359	0-07-12
			2350	0-02-14
			2349	0-00-10
			2413	0-00-97
			2362	0-11-84
			2363	0-15-22
			2366	0-05-57
			2409	0-00-84
			2406	0-30-34
			2390	0-05-92
			2393	0-14-66
			2391	0-16-37
			2392	0-16-28
			2209	0-30-51
			2197	0-15-88
			2196	0-34-93
			सर्वे नं. 2196	0-01-95
			में (नाला)	
			सर्वे नं. 2196	0-06-56
			में (कार्ट ट्रैक)	
			2197	0-33-92
			2088	0-41-37
			2087	0-26-36
			कुल	4-75-07
		धावूड नगर	665	0-03-03
			666	0-08-85
			667	0-00-24
			668	0-35-25
			679	0-00-92
			678	0-01-05
			680	0-15-19

1	2	3	4	5	1	2	3	4	5
राय बरेली	राय बरेली	धावूड नगर	667	0-01-71	राय बरेली	राय बरेली	बन्दीपुर	266	0-18-77
			681	0-19-22				265	0-02-27
			682	0-00-13				270	0-10-37
			718	0-04-96				278	0-14-65
			778	0-00-28				277	0-17-71
			777	0-09-89				275	0-07-54
			775	0-09-96				276	0-02-45
			774	0-37-11				281	0-17-35
			764	0-01-90				282	0-19-48
			763	0-14-76				295	0-02-70
			762	0-14-37				288	0-07-97
			764	0-01-80				274	0-00-20
			765	0-02-42				289	0-09-95
			761	0-01-96				291	0-02-67
			749	0-14-17				292	0-10-51
			760	0-05-18				कुल	2-71-89
			753	0-02-16			धूनावर	23 (रोड़)	0-02-68
			752	0-04-75				10	0-05-13
			751	0-05-60				9	0-05-75
			750	0-42-19				8	0-06-89
			737	0-09-93				1	0-21-81
			754	0-00-15				7	0-16-51
			798	0-01-97				18	0-01-35
			736	0-05-59				47	0-05-45
			799	0-07-26				212	0-15-90
			800	0-26-38				214	0-00-41
			803	0-06-75				228	0-05-34
			802	0-08-58				227	0-17-74
			815	0-10-90				218	0-09-78
			814	0-02-04				222	0-23-40
			811	0-05-08				222/1126	0-00-18
			कुल	3-42-78				220	0-02-40
		बन्दीपुर	6	0-25-44				221	0-08-13
			7	0-15-17				223	0-31-10
			8	0-01-72				358	0-59-21
			9	0-10-58				(कच्ची रोड़)	0-02-89
			10	0-27-00				सर्वे नं. 358 में	
			12	0-15-18				359	0-21-28
			11	0-09-27				362	0-04-40
			14	0-01-83				सर्वे नं. 359 व	0-04-99
			264	0-07-05				363 के बीच	
			263	0-12-50				363	0-24-09
			262	0-01-56				364	0-00-40

1	2	3	4	5	1	2	3	4	5
राय बरेली	राय बरेली	धूनावर	365	0-05-26	राय बरेली	राय बरेली	बावन	2136	0-00-88
			366	0-14-03			बुगूर्ज	2142	0-55-24
			365	0-20-49			(बल्ला)	2133	0-14-94
			383	0-00-83				2127	0-02-73
			384	0-08-10				2124	0-17-60
			173	0-02-50				2047	0-03-60
			172	0-18-72				2048	0-00-41
			170	0-03-11				2123	0-27-67
			384	0-00-30				2121	0-04-93
			168/1127	0-03-38				2050	0-00-44
			388	0-27-21				2120	0-20-39
			157	0-05-58				2060	0-18-52
			156	0-11-20				2108	0-10-59
			कुल	4-17-92				2107	0-23-89
	बावन		1749	0-23-27				2103	0-22-11
	बुगूर्ज		2191	0-12-37				2104	0-05-52
	(बल्ला)		2190	0-30-51				2102	0-10-71
			2184	0-10-11				2099	0-07-45
			(रोड़) सर्वे नं.	0-05-83				2068	0-44-70
			2184 व 2190					2097	0-71-62
			2187	0-05-61				2096	0-08-12
			2188	0-03-02				3297	0-71-83
			2179	0-02-19				कुल	6-57-06
			2178	0-00-95			धूलवास	202	0-25-00
			2180	0-11-56				536	0-02-88
			2176	0-03-71				535	0-03-16
			2172	0-30-21				534	0-24-04
			2406	0-01-80				203	0-03-34
			2396	0-01-51				531	0-02-09
			2397	0-01-78				532	0-01-35
			2305	0-00-10				530	0-09-92
			2398	0-13-97				213	0-02-47
			2399	0-01-73				527	0-15-34
			2400	0-01-63				525	0-20-00
			2401	0-18-54				526	0-02-76
			2416	0-04-03				522	0-01-86
			2415	0-01-22				521	0-50-60
			2411	0-01-45				517	0-00-10
			2412	0-03-88				516	0-00-49
			2413	0-06-26				549	0-04-54
			2414	0-05-97				506	0-13-50
			(कैनाल) 2167	0-09-13				495	0-11-53
			2137	0-00-83				505	0-04-33

1	2	3	4	5	1	2	3	4	5
राय बरेली	राय बरेली	थूलवास	496	0-03-56	राय बरेली	राय बरेली	थूलवास	836	0-00-51
			501	0-07-59				838	0-07-41
			504	0-07-55				863	0-11-01
			503	0-02-83				839	0-00-23
			502	0-02-58				837	0-09-68
			सर्वे नं. 503 व	0-03-25				(कार्ट ट्रक)	0-01-51
			562 के बीच					840	
			(कार्ट ट्रक)	0-01-86				826/1678	0-03-09
			562					825	0-07-50
			सर्वे नं. 562 व	0-00-37				सर्वे नं. 826/1678	0-00-10
			597 के बीच					व 824 के बीच	
			597	0-18-64				सर्वे नं. 826/1678	0-10-35
			594	0-01-80				व 824 के बीच	
			593	0-08-19				824	0-20-63
			592	0-03-29				823	0-08-31
			591	0-14-41				971	0-07-24
			585	0-09-89				980	0-07-94
			590	0-05-11				981	0-79-82
			586	0-03-19				कुल	6-44-44
			587	0-00-21			लोधवा	20	0-27-20
			584	0-06-82			मऊ	24	0-00-10
			581	0-00-11				25	0-01-71
			582	0-01-35				40	0-23-66
			583	0-04-43				48	0-06-28
			658	0-13-72				47	0-17-10
			657	0-01-79				49	0-03-08
			656	0-05-83				50	0-00-13
			655	0-03-17				51	0-03-53
			643	0-07-03				52	0-05-00
			659	0-06-72				53	0-15-48
			660	0-34-57				54	0-02-24
			884	0-10-87				63	0-00-10
			885	0-00-10				62	0-16-81
			883	0-01-11				65	0-02-57
			882	0-00-10				97	0-04-53
			854	0-16-34				98	0-09-81
			855	0-24-03				94	0-19-88
			851	0-10-79				91	0-03-70
			858	0-15-23				84	0-17-82
			859	0-02-42				83	0-00-44
			859/1781	0-04-18				85	0-19-29
			861	0-03-33				224	0-05-49
			842	0-01-45				86	0-00-52

1	2	3	4	5	1	2	3	4	5
राय बरेली	राय बरेली	लोधवा	430	0-11-27	राय बरेली	राय बरेली	मरदानपुर	133	0-00-87
		मऊ	434	0-02-72				141	0-04-61
			433	0-07-11				132	0-09-75
			432	0-15-67				131	0-05-16
			447	0-14-45				204	0-02-56
			454	0-17-34				202	0-20-87
			455	0-16-65				213	0-00-52
			453	0-01-09				201	0-00-84
			456	0-04-53				214	0-00-96
			429	0-17-47				200	0-02-37
			463	0-01-39				215	0-08-62
			464	0-07-50				221	0-26-43
			465	0-00-57				223	0-01-52
		कुल	3-24-23					224	0-01-41
	मरदानपुर	28	0-12-46					सर्वे नं. 224 व	0-13-79
		29	0-03-59					231 के बीच	
		31	0-12-54					231	0-17-39
		32	0-28-40					232	0-02-07
		46	0-00-33					230	0-03-93
		34	0-01-75					229	0-03-73
		35	0-01-91					228	0-00-75
		46	0-40-83					227	0-22-15
		50	0-06-64					233	0-00-10
		51	0-03-35					402	0-00-15
		53	0-01-46					226	0-00-97
		52	0-07-05					404	0-15-36
		61	0-03-31					405	0-00-73
		74	0-19-59					403	0-14-37
		71	0-00-36					399	0-05-09
		72	0-16-64					397	0-02-79
		92	0-05-11					396	0-19-38
		93	0-15-77					कुल	4-47-83
		109	0-14-82				रासेहेथा	528	0-24-78
		110	0-02-54					525	0-21-60
		90	0-11-16					524	0-11-76
		146	0-00-95					523	0-03-98
		147	0-00-93					535	0-00-21
		140	0-20-96					520	0-02-93
		114	0-00-54					537	0-03-02
		139	0-00-91					536	0-02-25
		138	0-00-83					519	0-11-31
		137	0-02-17					492	0-15-34
		134	0-01-59					539	0-09-97

[illegible]

1	2	3	4	5	1	2	3	4	5
राय बरेली	राय बरेली	संधेनागीन	458	0-16-67	राय बरेली	राय बरेली	लालपुर	92	0-00-47
			459	0-01-46			चौहान	93	0-00-94
			457	0-08-15				94	0-14-08
			462	0-00-59				96	0-03-18
			463	0-16-92				91	0-04-10
			464	0-01-51				164	0-00-31
			465	0-09-19				165	0-07-46
			482	0-04-28				168	0-19-08
			480	0-00-10				172	0-01-10
			481	0-13-92				177	0-10-02
			कुल	3-61-61				176	0-01-46
		जलालपुर	218	0-14-79				175	0-11-78
			219	0-06-84				173	0-05-76
			217	0-05-67				174	0-15-47
			216	0-00-49				186	0-01-12
			221	0-09-07				188	0-37-47
			240	0-05-53				202	0-01-29
			241	0-03-98				208	0-17-18
			242	0-03-16				210/607	0-17-56
			247	0-01-12				245	0-03-16
			248	0-04-54				213	0-05-31
			249	0-03-29				214	0-06-85
			250	0-04-56				216	0-08-53
			288	0-09-70				243	0-01-14
			251	0-01-59				242	0-01-25
			253	0-06-55				227	0-06-70
			254	0-09-96				(नाला) सर्वे	0-01-04
			255	0-06-98				न. 227	
			287	0-03-10				228	0-10-03
			256	0-11-98				229	0-06-54
			284	0-08-97				230	0-02-69
			283	0-05-22				231	0-00-94
			260	0-00-17				232	0-03-84
			282	0-02-30				233	0-01-18
			280	0-07-09				234	0-16-57
			281	0-01-26				कुल	2-45-69
			279	0-00-30					
			277	0-17-24			बुवापुर	278	0-14-99
			276	0-08-64			कलाँ		
			274	0-08-91				(पक्की सड़क)	0-02-83
			275	0-03-56				सर्वे नं. 278	
			308	0-03-75				278/409	0-28-22
			कुल	1-80-31				281	0-01-78

1	2	3	4	5
राय बरेली	राय बरेली	बुयापुर कलाँ	280	0-06-43
			390	0-04-79
			391	0-20-25
			396	0-09-78
			388	0-06-41
			387	0-29-35
			397	0-15-48
			383	0-01-84
			382	0-18-49
			381	0-12-17
		कुल		1-72-81
सालोन	कमलपुर	19		0-27-71
	बरेला	17		0-01-50
		13		0-29-55
		9		0-12-72
		10		0-04-98
		11		0-00-80
		325		0-15-11
		343		0-01-89
		356		0-08-30
		344		0-12-58
		355		0-00-55
		345		0-13-27
		346		0-00-85
		353		0-11-70
		352		0-12-69
		351		0-05-15
		387		0-01-50
		381		0-00-54
		382		0-09-39
		383		0-06-41
		380		0-01-99
		384		0-00-15
		कुल		1-79-33
	प्रधानपुर	80		0-22-67
		81		0-10-37
		78		0-02-00
		77		0-24-15
		76		0-17-61
		75		0-11-19
		98		0-19-22
राय बरेली	सालोन	प्रधानपुर	69/499	0-01-28
			69	0-08-62
			105	0-14-14
			104	0-01-56
			106	0-26-31
			110	0-09-35
			109	0-05-54
			406	0-20-67
			405	0-02-63
			409	0-01-19
			420	0-05-07
			377	0-05-26
			421	0-02-08
			376	0-09-78
			375	0-06-20
			374	0-09-10
			371	0-00-83
			373	0-01-06
			462	0-00-15
			463	0-07-52
			372	0-04-17
			368	0-00-21
			364	0-01-83
			367	0-08-33
			366	0-02-79
			365	0-01-97
			428	0-01-47
			369	0-00-44
			427	0-06-76
			सर्वे नं. 427 व 437 के बीच (पक्की रोड)	0-04-22
			438	0-12-98
			437	0-01-16
			441	0-06-82
			439	0-00-21
			440	0-01-36
			442	0-06-44
			446	0-04-45
			448	0-05-76
			445/502	0-01-35
			447	0-09-71
			कुल	3-27-98

1	2	3	4	5	1	2	3	4	5
राय बरेली	सालोन	बिकापुर	4	0-04-19	राय बरेली	सालोन	घाटमपुर	35	0-04-01
			7	0-24-08				396	0-01-78
			8	0-13-52				406	0-11-40
			19	0-01-03				405	0-00-10
			23	0-02-71				404	0-02-60
			25	0-19-89				403	0-02-41
			24	0-00-70				410	0-03-14
			27	0-02-34				402	0-06-17
			28	0-00-80				414	0-25-08
			29	0-00-30				412	0-05-47
			32	0-37-54				413	0-02-57
			31	0-00-10				416	0-02-08
			कुल	1-07-20				417	0-04-64
		ब्रमजीतपुर	2	0-68-34				415	0-00-10
			67	0-29-48				418	0-00-73
			68	0-17-28				419	0-01-12
			69	0-10-85				420	0-01-18
			कुल	1-25-95				421	0-04-61
		घाटमपुर	5	0-05-59				सर्वे नं. 421	0-05-35
			6	0-02-09				(रजवाहा कैनाल)	
			8	0-05-72				428	0-00-29
			7	0-00-10				कुल	2-62-83
			9	0-36-14					
			77	0-00-56					
			78	0-07-82					
			75	0-08-72					
			69	0-01-18					
			70	0-06-77					
			71	0-00-80					
			72	0-02-87					
			64	0-10-73					
			61	0-06-87					
			62	0-02-20					
			54	0-00-10					
			53	0-00-68					
			49	0-02-77					
			48	0-01-03					
			47	0-01-34					
			46	0-00-83					
			44	0-00-78					
			13	0-44-38					
			34	0-11-92					
			33	0-16-01					

[फा. स. एल-14014/4/'05-जी.पी.]

एस.बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 11th May, 2005

S.O. 1843.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2719 dated the 15th October, 2004 and S.O. 2724 dated the 15th October, 2004, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur pipeline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette Notification were made available to the public from 02nd December, 2004 to 12th January, 2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declared that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Rai Bareilly	Rai Bareilly	Sidhauna	2335	0-04-76
			945	0-17-37
			943	0-00-40
			947	0-20-36
			948	0-07-54
			2324	0-29-27
			2323	0-40-36
			2328	0-38-20
			2352	0-00-22
			2353	0-08-72
			2351	0-08-74
			2356	0-02-53
			2357	0-11-21
			2358	0-04-74
			2359	0-07-12
			2350	0-02-14
			2349	0-00-10
			2413	0-00-97
			2362	0-11-84
			2363	0-15-22
			2366	0-05-57
			2409	0-00-84
			2406	0-30-34

1	2	3	4	5
Rai Bareilly	Rai Bareilly	Sidhauna	2390	0-05-92
			2393	0-14-66
			2391	0-16-37
			2392	0-16-28
			2209	0-30-51
			2197	0-15-88
			2196	0-34-93
			In Svy No.	0-01-95
			2196 (Nala)	
			In Svy No.	0-06-56
			2196 (Cart Track)	
			2197	0-33-92
			2088	0-41-37
			2087	0-26-36
			Total	4-75-07
		Dhawud	665	0-03-03
		Nagar	666	0-08-85
			667	0-00-24
			668	0-35-25
			679	0-00-92
			678	0-01-05
			680	0-15-19
			667	0-01-71
			681	0-19-22
			682	0-00-13
			718	0-04-96
			778	0-00-28
			777	0-09-89
			775	0-09-96
			774	0-37-11
			764	0-01-90
			763	0-14-76
			762	0-14-27
			764	0-01-80
			765	0-02-42
			761	0-01-96
			749	0-14-17
			760	0-05-18
			753	0-02-16
			752	0-04-75
			751	0-05-60
			750	0-42-19
			737	0-09-93

1	2	3	4	5	1	2	3	4	5
Rai Bareilly	Rai Bareilly	Dhawud Nagar	754 798 736 799 800 803 802 815 814 811 Total	0-00-15 0-01-97 0-05-59 0-07-26 0-26-38 0-06-75 0-08-58 0-10-90 0-02-04 0-05-08 3-42-78	Rai Bareilly	Rai Bareilly	Ghunawar	7 18 47 212 214 228 227 218 222 222/1126 220 221 223 358 (Mud Road) In Svy. No. 358 359 362 In Bet Svy. No. 359 & 363 363 364 365 366 365 383 384 173 172 170 384 168/1127 388 157 156 Total Bawan Bugurg (Balla) 2184 (Road) In Svy. No. 2184 & 2190 2187	0-16-51 0-01-35 0-05-45 0-15-90 0-00-41 0-05-34 0-17-74 0-09-78 0-23-40 0-00-18 0-02-40 0-08-13 0-31-10 0-59-21 0-02-89 0-21-28 0-04-40 0-04-99 0-24-09 0-00-40 0-05-26 0-14-03 0-20-49 0-00-83 0-08-10 0-02-50 0-18-72 0-03-11 0-00-30 0-03-38 0-27-21 0-05-58 0-11-20 4-17-92 0-23-27 0-12-37 0-30-51 0-10-11 0-05-83 0-05-61
		Bandipur	6 7 8 9 10 12 11 14 264 263 262 266 265 270 278 277 275 276 281 282 295 288 274 289 291 292 Total Ghunawar	0-25-44 0-15-17 0-01-72 0-10-58 0-27-00 0-15-18 0-09-27 0-01-83 0-07-05 0-12-50 0-01-56 0-18-77 0-02-27 0-10-37 0-14-65 0-17-71 0-07-54 0-02-45 0-17-35 0-19-48 0-02-70 0-07-97 0-00-20 0-09-95 0-02-67 0-10-51 2-71-89 0-02-68 0-05-13 0-05-75 0-06-89 0-21-81					

1	2	3	4	5	1	2	3	4	5
Rai	Rai	Bawan	2188	0-03-02	Rai	Rai	Bawan	3297	0-71-83
Bareilly	Bareilly	Bugurg	2179	0-02-19	Bareilly	Bareilly	Bugurg		
		(Balla)	2178	0-00-95			(Balla)		
			2180	0-11-56			Total		6-57-06
			2176	0-03-71			Thulwas	202	0-25-00
			2172	0-30-21				536	0-02-88
			2406	0-01-80				535	0-03-16
			2396	0-01-51				534	0-24-04
			2397	0-01-78				203	0-03-34
			2305	0-00-10				531	0-02-09
			2398	0-13-97				532	0-01-35
			2399	0-01-73				530	0-09-92
			2400	0-01-63				213	0-02-47
			2401	0-18-54				527	0-15-34
			2416	0-04-03				525	0-20-00
			2415	0-01-22				526	0-02-76
			2411	0-01-45				522	0-01-86
			2412	0-03-88				521	0-50-60
			2413	0-06-26				517	0-00-10
			2414	0-05-97				516	0-00-49
		(Canal) 2167		0-09-13				549	0-04-54
		2137		0-00-83				506	0-13-50
		2136		0-00-88				495	0-11-53
		2142		0-55-24				505	0-04-33
		2133		0-14-94				496	0-07-56
		2127		0-02-73				501	0-07-59
		2124		0-17-60				504	0-07-55
		2047		0-03-60				503	0-02-83
		2048		0-00-41				502	0-02-58
		2123		0-27-67			In Bet Svy.		0-03-25
		2121		0-04-93			No. 503 & 562		
		2050		0-00-44			(Cart Track)		0-01-86
		2120		0-20-39			562		
		2060		0-18-52			In Bet Svy.		0-00-37
		2108		0-10-59			No. 562 & 597		
		2107		0-23-89			597		0-18-64
		2103		0-22-11			594		0-01-80
		2104		0-05-52			593		0-08-19
		2102		0-10-71			592		0-03-29
		2099		0-07-45			591		0-14-41
		2068		0-44-70			585		0-09-89
		2097		0-71-62			590		0-05-11
		2096		0-08-12			586		0-03-19
							587		0-00-21
							584		0-06-82
							581		0-00-11
							582		0-01-35
							583		0-04-43

1	2	3	4	5
Rai	Rai	Thulwas	658	0-13-72
Bareilly	Bareilly		657	0-01-79
			656	0-05-83
			655	0-03-17
			643	0-07-03
			659	0-06-72
			660	0-34-57
			884	0-10-87
			885	0-00-10
			883	0-01-11
			882	0-00-10
			854	0-16-34
			855	0-24-03
			851	0-10-79
			858	0-15-23
			859	0-02-42
			859/1781	0-04-18
			861	0-03-33
			842	0-01-45
			836	0-00-51
			838	0-07-41
			863	0-11-01
			839	0-00-23
			837	0-09-68
			(Cart Track)	0-01-51
			840	
			826/1678	0-03-09
			825	0-07-50
			In Bet Svy. No.	0-00-10
			826/1678 & 824	
			In Bet Svy. No.	0-10-35
			826/1678 & 824	
			824	0-20-63
			823	0-08-31
			971	0-07-24
			980	0-07-94
			981	0-79-82
			Total	6-44-44
		Lodhwa	20	0-27-20
		Mau	24	0-00-10
			25	0-01-71
			40	0-23-66
			48	0-06-28
			47	0-17-10
			49	0-03-08
			50	0-00-13
			51	0-03-53

1	2	3	4	5
Rai	Rai	Lodhwa	52	0-05-00
Bareilly	Bareilly	Mau	53	0-15-48
			54	0-02-24
			63	0-00-10
			62	0-16-81
			65	0-02-57
			97	0-04-53
			98	0-09-81
			94	0-19-88
			91	0-03-70
			84	0-17-82
			83	0-00-44
			85	0-19-29
			224	0-05-49
			86	0-00-52
			430	0-11-27
			434	0-02-72
			433	0-07-11
			432	0-15-67
			447	0-14-45
			454	0-17-34
			455	0-16-65
			453	0-01-09
			456	0-04-53
			429	0-17-47
			463	0-01-39
			464	0-07-50
			465	0-00-57
			Total	3-24-23
		Mardan-	28	0-12-46
		pur	29	0-03-59
			31	0-12-54
			32	0-28-40
			46	0-00-33
			34	0-01-75
			35	0-01-91
			46	0-40-83
			50	0-06-64
			51	0-03-35
			53	0-01-46
			52	0-07-05
			61	0-03-31
			74	0-19-59
			71	0-00-36
			72	0-16-74
			92	0-05-11
			93	0-15-77

1	2	3	4	5	1	2	3	4	5
Rai Bareilly	Rai Bareilly	Mardan-pur	109	0-14-82	Rai Bareilly	Rai Bareilly	Rasehe-tha	535	0-00-21
			110	0-02-54				520	0-02-93
			90	0-11-16				537	0-03-02
			146	0-00-95				536	0-02-25
			147	0-00-93				519	0-21-31
			140	0-20-96				492	0-15-34
			114	0-00-54				539	0-09-97
			139	0-00-91				481	0-03-69
			138	0-00-83				480	0-00-36
			137	0-02-17				540	0-14-73
			134	0-01-59				541	0-45-15
			133	0-00-87				546	0-00-28
			141	0-04-61				548	0-02-69
			132	0-09-75				476	0-04-23
			131	0-05-16				474	0-02-52
			204	0-02-56				475	0-26-21
			202	0-20-87				729	0-00-84
			213	0-00-52				730	0-16-80
			201	0-00-84				731	0-19-20
			214	0-00-96				732	0-00-64
			200	0-02-37				733	0-02-21
			215	0-08-62				735	0-00-35
			221	0-26-43				777	0-15-72
			223	0-01-52				780	0-26-74
			224	0-01-41				784	0-10-05
			In Bet Svy	0-13-79				Total	3-09-56
			No. 224 & 231				Chak	1	0-17-08
			231	0-17-39			Peera	3	0-09-35
			232	0-02-07			Shah	2	0-02-01
			230	0-03-93				11	0-00-64
			229	0-03-73				12	0-00-48
			228	0-00-75				13	0-12-42
			227	0-22-15				14	0-12-77
			233	0-00-10				15	0-02-39
			402	0-00-15				16	0-05-41
			226	0-00-97				140	0-17-34
			404	0-15-36				141	0-05-40
			405	0-00-73				142	0-12-78
			403	0-14-37				138	0-05-99
			399	0-05-09				143	0-00-42
			397	0-02-79				144	0-00-44
			396	0-19-38				152	0-00-25
			Total	4-47-83				153	0-02-21
		Rasehe-tha	528	0-24-78				160	0-04-94
			525	0-21-60				161	0-28-57
			524	0-11-76				166	0-00-18
			523	0-03-98				167	0-24-88

1	2	3	4	5	1	2	3	4	5
Rai Bareilly	Rai Bareilly	Chak Peera Shah	168 169 171 170 Total	0-12-94 0-13-81 0-02-95 0-16-29 2-11-94	Rai Bareilly	Rai Bareilly	Sande nagin	459 457 462 463 464 465 482 480 481	0-01-46 0-08-15 0-00-59 0-16-92 0-01-51 0-09-19 0-04-28 0-00-10 0-13-92
		Sandhe-nagin	332 331 325 330 344 345 305 In Bet Svy No. 305&346 346 347 351 348 349 354 350 250 249 353 398 (Minor Canal) In Svy No. 249 (Minor Canal) In Svy No. 353 (Minor Canal) In Svy No. 398 (Minor Canal) In Svy No. 241 (Minor Canal) In Svy No. 231 231 230 229 228 232 233 234 236 235 238 In Svy No. 238 (SH-34) 458	0-00-55 0-19-42 0-01-01 0-11-63 0-20-37 0-12-29 0-00-36 0-01-32 0-16-34 0-24-96 0-01-94 0-06-86 0-06-58 0-07-71 0-01-77 0-63-58 0-21-11 0-01-40 0-00-87 0-02-03 0-00-78 0-00-86 0-04-00 0-01-80 0-02-77 0-05-51 0-05-67 0-00-83 0-00-10 0-03-62 0-06-63 0-00-27 0-05-92 0-20-50 0-07-46 0-16-67	Jalalpur	Total	218 219 217 216 221 240 241 242 247 248 249 250 288 251 253 254 255 287 256 284 283 260 282 280 281 279 277 276 274 275 308 Total 92 93 94 96 91 164	3-61-61 0-14-79 0-06-84 0-05-67 0-00-49 0-09-07 0-05-53 0-03-98 0-03-16 0-01-12 0-04-54 0-03-29 0-04-56 0-09-70 0-01-59 0-06-55 0-09-96 0-06-98 0-03-10 0-11-98 0-08-97 0-05-22 0-00-17 0-02-30 0-07-09 0-01-26 0-00-30 0-17-24 0-08-64 0-08-91 0-03-56 0-03-75 1-80-31 0-00-47 0-00-94 0-14-08 0-03-18 0-04-10 0-00-31	

1	2	3	4	5	1	2	3	4	5
Rai Bareilly	Rai Bareilly	Lalpur Chauhan	165 168 172 177 176 175 173 174 186 188 202 208 210/607 245 213 214 216 243 242 227 (Nala) In Svy. No. 227 228 229 230 231 232 233 234 Total	0-07-46 0-19-08 0-01-10 0-10-02 0-01-46 0-11-78 0-05-76 0-15-47 0-01-12 0-37-47 0-01-29 0-17-18 0-17-56 0-03-16 0-05-31 0-06-85 0-08-53 0-01-14 0-01-25 0-06-70 0-01-04 0-10-03 0-06-54 0-02-69 0-00-94 0-03-84 0-01-18 0-16-57 2-45-69	Rai Barielly	Salon	Karnalpur 19 Barela	17 13 9 10 11 325 343 356 344 355 345 346 353 352 351 387 381 382 383 380 384 Total Pardan-pur 80 81 78 77 76 75 98 69/499 69 105 104 106 110 109 406 405 409 420 377 421 376 375 374	0-01-50 0-29-55 0-12-72 0-04-98 0-00-80 0-15-11 0-01-89 0-08-30 0-12-58 0-00-55 0-13-27 0-00-85 0-11-70 0-12-69 0-05-15 0-01-50 0-00-54 0-09-39 0-06-41 0-01-99 0-00-15 1-79-33 0-22-67 0-10-37 0-02-00 0-24-15 0-17-61 0-11-19 0-19-22 0-01-28 0-08-62 0-14-14 0-01-56 0-26-31 0-09-35 0-05-54 0-20-67 0-02-63 0-01-19 0-05-07 0-05-26 0-02-08 0-09-78 0-06-20 0-09-10
Buwapur	Kalan		278	0-14-99					
		(Metalled Road)		0-02-83					
		In Svy. No. 278							
		278/409		0-28-22					
		281		0-01-78					
		280		0-06-43					
		390		0-04-79					
		391		0-20-25					
		396		0-09-78					
		388		0-06-41					
		387		0-29-35					
		397		0-15-48					
		383		0-01-84					
		382		0-18-49					
		381		0-12-17					
		Total		1-72-81					

1	2	3	4	5	1	2	3	4	5
Rai Bareilly	Salon	Pardan-pur	371	0-00-83	Rai Bareilly	Salon	Ghatam-pur	8	0-05-72
			373	0-01-06				7	0-00-10
			462	0-00-15				9	0-36-14
			463	0-07-52				77	0-00-56
			372	0-04-17				78	0-07-82
			368	0-00-21				75	0-08-72
			364	0-01-83				69	0-01-18
			367	0-08-33				70	0-06-77
			366	0-02-79				71	0-00-80
			365	0-01-97				72	0-02-87
			428	0-01-47				64	0-10-73
			369	0-00-44				61	0-06-87
			427	0-06-76				62	0-02-20
			In Bet. Svy. No. 427 & 437	0-04-22				54	0-00-10
			(Metalled Road)					53	0-00-68
			438	0-12-98				49	0-02-77
			437	0-01-16				48	0-01-03
			441	0-06-82				47	0-01-34
			439	0-00-21				46	0-00-83
			440	0-01-36				44	0-00-78
			442	0-06-44				13	0-44-38
			446	0-04-45				34	0-11-92
			448	0-05-76				33	0-16-01
			445/502	0-01-35				35	0-04-01
			447	0-09-71				396	0-01-78
			Total	3-27-98				406	0-11-40
		Bikapur	4	0-04-19				405	0-00-10
			7	0-24-08				404	0-02-60
			8	0-13-52				403	0-02-41
			19	0-01-03				410	0-03-14
			23	0-02-71				402	0-06-17
			25	0-19-89				414	0-25-08
			24	0-00-70				412	0-05-47
			27	0-02-34				413	0-02-57
			28	0-00-80				416	0-02-08
			29	0-00-30				417	0-04-64
			32	0-37-54				415	0-00-10
			31	0-00-10				418	0-00-73
			Total	1-07-20				419	0-01-12
		Bramjit-pur	2	0-68-34				420	0-01-18
			67	0-29-48				421	0-04-61
			68	0-17-28				In Svy. No. 421	0-05-35
			69	0-10-85				(Minor Canal)	
			Total	1-25-95				428	0-00-29
		Ghatam-pur	5	0-05-59				Total	2-62-83
			6	0-02-09					

[F. No. L-14014/4/05-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 11 मई, 2005

का.आ. 1844.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2719 तारीख, 15 अक्टूबर, 2004 और का.आ. 2724 तारीख, 15 अक्टूबर, 2004, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थूलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 09 फरवरी, 2005 से 17 फरवरी, 2005 तक उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइनें बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनें बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनें बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए (हैक्टेयर में)
1	2	3	4	5
रायबरेली	सालोन	बरबा	557	0-08-91
			558	0-00-10
			559	0-33-57
			560	0-01-95
			सर्वे नं. 559 व 530 के बीच में	0-01-33
			530	0-00-10

1	2	3	4	5
रायबरेली	सालोन	बरबा	527	0-11-66
			526	0-00-56
			523	0-15-84
			528	0-00-10
			522	0-03-59
			497	0-07-40
			498	0-08-62
			509	0-04-44
			510	0-01-70
			508	0-06-08
			506	0-05-31
			498	0-02-80
			502	0-00-10
			500	0-05-42
			501	0-07-35
			499	0-10-89
			487	0-01-29
			488	0-00-23
			478	0-10-63
			476	0-03-64
			477	0-00-10
			473	0-02-75
			475	0-00-98
			474	0-08-26
			470	0-27-58
			613	0-00-11
			614	0-10-36
			467	0-01-64
			617	0-01-02
			618	0-16-81
			620	0-07-38
			621	0-22-95
			सर्वे नं. 621 व 451 के बीच में (पक्की रोड)	0-02-39
			451	0-32-27
			441	0-01-56
			439	0-18-92
			437	0-07-43
			436	0-11-47
			435	0-01-54
			434	0-01-84
			427	0-15-10
			426	0-03-82
			428	0-02-14
			422	0-04-62
			423	0-15-91
			425	0-00-49
			424	0-06-88
			कुल	3-79-93
		रचनापुर	10	0-03-36
			11	0-01-84
			12	0-14-09

1	2	3	4	5	1	2	3	4	5
रायबरेली	सालोन	रवमापुर	21	0-27-32	रायबरेली	सालोन	पोथाई	2319	0-00-77
			22	0-00-27				2317	0-01-52
			23	0-03-13				2346	0-29-72
			24	0-06-93				2348	0-11-98
			सर्वे नं. 302 में	0-02-45				2349	0-01-56
			(रजवाहा कैनाल)					2276	0-04-87
			302	0-18-41				2393	0-04-06
			309	0-16-98				2394	0-31-98
			310	0-06-35				2423	0-01-73
			298	0-09-58				2424	0-05-43
			294	0-08-77				2408	0-02-51
			295	0-01-53				2407	0-00-19
			293	0-00-86				2406	0-02-55
			326	0-00-10				2405	0-38-85
			327	0-15-75				2402	0-07-60
			326	0-00-01				2962	0-00-89
			332	0-05-04				2972	0-18-21
			331	0-12-55				2972/3303	0-01-04
			329	0-00-94				2974	0-35-99
			336	0-15-60				2967	0-00-89
			335	0-00-67				2975	0-05-57
			337	0-01-03				3026	0-18-99
			338	0-10-97				3120	0-01-20
			339	0-07-25				3029	0-00-10
			340	0-06-06				3027	0-05-94
			341	0-08-88				3028	0-02-29
			342	0-05-96				3030	0-03-37
			343	0-08-41				3032	0-00-61
			266	0-04-79				3117	0-40-08
			267	0-03-60				3116	0-03-04
			268	0-20-74				3131	0-00-43
			269	0-02-24				3115	0-18-67
			263	0-09-22				3111	0-01-75
			264	0-07-56				3101	0-00-73
			263	0-12-65				3100	0-43-53
			258	0-03-25				3098	0-11-88
			259	0-04-06				3083	0-03-93
			260	0-00-77				3249	0-02-79
			257	0-09-49				3077	0-22-55
			248	0-10-07				3076	0-02-64
			247	0-06-56				3074	0-33-61
			246	0-02-52				3075	0-01-21
			सर्वे नं. 246 व	0-00-33				3250	0-31-84
			पी.बी. के बीच					3254	0-00-21
			कुल	3-18-94				3252	0-18-96
		निनवा	275	0-02-35				3263	0-00-33
			कुल	0-02-35				3262	0-06-98
रायबरेली	सालोन	पोथाई	2295	0-15-20				3255	0-00-10
			2314	0-16-15				3272	0-20-35
			2322	0-06-70				3261	0-03-22
			2324	0-00-76				3274	0-18-01
			2321	0-10-42				कुल	5-79-12
			2320	0-02-64					

1	2	3	4	5	1	2	3	4	5
रायबरेली	सालोन	अटवा	10	0-07-26	रायबरेली	सालोन	अटवा	655	0-08-05
			11	0-04-37				670	0-10-13
			13	0-19-27				671	0-02-90
			13/1395	0-00-10				669	0-04-78
			17	0-01-44				666	0-12-73
			18	0-00-69				674	0-00-75
			24	0-08-17				675	0-04-37
			23	0-03-16				677	0-03-74
			20	0-03-67				678	0-00-79
			19	0-00-95				679	0-05-34
			21	0-02-06				666	0-09-75
			22	0-05-45				665	0-02-24
			25	0-14-77				682	0-07-77
			33	0-06-24				683	0-04-08
			32	0-01-31				684	0-05-28
			358	0-17-28				685	0-10-85
			357	0-22-30				686	0-08-24
			365	0-00-63				689	0-04-33
			356	0-03-18				690	0-03-26
			35	0-00-46				707	0-09-88
			41	0-00-61				708	0-03-10
			36	0-00-35				706	0-18-28
			355	0-09-00				705	0-00-78
			353	0-00-37				704	0-01-96
			354	0-03-52				703	0-16-55
			352	0-22-75				702	0-01-51
			351	0-09-13				698	0-04-53
			350	0-02-82				699	0-18-49
			378	0-03-00				700	0-03-65
			349	0-20-20				701	0-01-81
			(रोड़) सर्वे नं.	0-03-19				714	0-06-74
			349					कुल	5-58-08
			386	0-07-15			साराउदौला	97	0-06-44
			344	0-12-51				98	0-17-32
			387	0-35-91				100	0-01-11
			388	0-09-30				103	0-11-46
			485	0-09-95				99	0-00-16
			486	0-02-92				104	0-01-81
			487	0-03-68				105	0-11-30
			495	0-01-61				75	0-03-74
			490	0-00-62				58	0-05-16
			488	0-10-23				59	0-03-02
			521	0-00-10				60	0-02-75
			489	0-05-53				74	0-19-73
			520	0-01-47				73	0-01-13
			512	0-21-27				70	0-49-74
			513	0-01-71				133	0-03-98
			514	0-00-92				कुल	1-38-85
			516	0-24-74			जगतपुर	122	0-11-74
			653	0-03-01				123	0-67-60
			515	0-00-28				143	0-03-20
			654	0-08-20				137	0-13-13
			657	0-00-24				133	0-12-78
			656	0-02-37					

1	2	3	4	5	1	2	3	4	5
रायबरेली	सालोन	जगतपुर	132	0-06-06	रायबरेली	सालोन	पदमपुर	216	0-06-81
			124	0-05-45				222	0-02-11
			131	0-08-54				223	0-02-94
			125	0-04-99				225	0-21-69
			(पक्की रोड)	0-06-36				224	0-18-25
			सर्वे नं. 125 व					231	0-01-03
			569 के बीच					232	0-21-28
			569	0-53-20				233	0-04-04
			564	0-01-97				234	0-07-97
			562	0-34-94				कुल	3-34-87
			(जगतपुर रजवाहा	0-01-17	रायबरेली	सालोन	बीरपुर	34	0-16-92
			कैनाल) सर्वे नं. 562					88	0-06-64
			537	0-11-97				89	0-21-05
			538	0-07-10				90	0-00-84
			539	0-04-81				91	0-07-60
			541	0-00-15				93	0-00-53
			537	0-04-35				103	0-01-82
			540	0-05-73				105	0-17-92
			542	0-03-17				97	0-01-80
			536	0-07-54				98	0-00-51
			534	0-18-48				99	0-06-04
			535	0-00-10				100	0-02-57
			545	0-01-89				101	0-29-68
			524	0-34-30				116	0-02-08
			528	0-02-14				108	0-00-10
			कुल	3-32-86				114	0-01-45
रायबरेली	सालोन	पदमपुर	71	0-10-46				113	0-03-35
			74	0-04-78				115	0-12-35
			73	0-04-86				279	0-11-50
			70	0-00-10				284	0-02-70
			72	0-04-75				285	0-00-10
			83	0-02-32				278	0-00-34
			68	0-00-19				280	0-03-48
			67	0-08-96				277	0-22-31
			97	0-36-89				297	0-05-84
			98	0-09-99				299	0-01-49
			99	0-06-68				298	0-00-81
			276	0-24-94				302	0-34-44
			275	0-03-11				304	0-13-97
			277	0-06-34				305	0-00-57
			283	0-07-26				275	0-03-46
			280	0-00-18				306	0-01-01
			282	0-02-23				270	0-03-16
			281	0-00-10				271	0-00-45
			288	0-06-83				272	0-14-60
			272	0-02-19				273	0-09-41
			271	0-10-50				274	0-07-49
			294	0-00-96				358	0-01-10
			270	0-04-93				356/57	0-04-77
			265	0-05-69				355	0-07-79
			266	0-20-08				356	0-05-86
			(कार्ट ट्रक) सर्वे नं.	0-02-43				374	0-00-49
			266 व 216 के बीच					375	0-09-46

1	2	3	4	5
रायबरेली	सलोन	बीरपुर	376	0-02-37
			379	0-05-10
			378	0-05-66
			378/396	0-00-61
			377	0-02-34
			कुल	3-15-93
	पाचुवाबारा		19	0-00-81
			86	0-15-23
			88	0-15-42
			89	0-04-26
			90	0-05-61
			91	0-04-95
			92	0-11-80
			93	0-21-67
			94	0-01-92
			95	0-00-24
			159	0-00-54
			161	0-21-88
			160	0-04-44
			177	0-02-72
			199	0-01-96
			198	0-18-21
			196	0-24-54
			197	0-02-53
			195	0-04-69
			192	0-25-26
			189	0-01-37
			186	0-28-49
			185	0-09-01
			209	0-00-18
			कुल	2-27-73
	राजुआपुर		1	0-10-17
			9	0-18-60
			8	0-36-97
			7	0-05-61
			10	0-00-10
			6	0-00-11
			11	0-25-59
			123	0-18-60
			127	0-03-65
			121	0-30-58
			119	0-17-89
			118	0-12-95
			117	0-00-22
			133	0-05-92
			सर्वे नं. 133 व	
			284 (रोड़)	0-04-46
			284	0-09-93
			277	0-02-96
			271	0-00-46
			278	0-02-90
			281	0-00-60
			279	0-04-30

1	2	3	4	5
रायबरेली	रायबरेली	राजुआपुर	276	0-00-17
			272	0-11-16
			270	0-03-07
			269	0-11-11
			259	0-04-44
			301	0-28-59
			सर्वे नं. 301 (रोड़)	0-03-73
			305	0-18-28
			सर्वे नं. 305 व 303	
			(रजवाहा कैनाल)	0-06-96
			303	0-02-83
			307	0-00-17
			304	0-12-29
			256	0-01-12
			338	0-20-45
			339	0-12-99
			337	0-04-26
			343	0-02-19
			344	0-30-68
			342	0-04-37
			349	0-35-70
			361	0-01-15
			362	0-08-40
			348	0-00-14
			363	0-03-48
			कुल	4-40-30
	महाराज-	इंधोरा	84	0-39-00
	गंज		81	0-00-65
			82	0-00-72
			83	0-02-40
			80	0-18-31
			141	0-07-82
			140	0-02-89
			139	0-26-04
			138	0-00-21
			सर्वे नं. 137 व	
			132 के बीच	0-00-22
			132	0-00-40
			142	0-00-84
			144	0-04-99
			146	0-09-84
			145	0-04-60
			152	0-07-56
			153	0-15-52
			154	0-02-32
			155	0-04-58
			157	0-00-40
			156	0-02-49
			173	0-20-27
			सर्वे नं. 173 व	
			168 के बीच	0-05-44
			168	0-04-36

1	2	3	4	5
रायबरेली	महाराज-गंज	इंधोरा	175	0-01-12
			164	0-00-61
			166	0-00-76
			167	0-02-70
			340	0-00-55
			341	0-00-60
			342	0-24-20
			469	0-32-30
			कुल	2-44-71

[फा. सं. एल-14014/4/05-जी.पी. (भाग-I)]

एस.बी. मण्डल, अवर सचिव

New Delhi, the 11th May, 2005

S.O. 1844.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2719 dated the 15th October, 2004 and S.O. 2724 dated the 15th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur pipeline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 9th February, 2005 to 17th February, 2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
Rai Bareilly	Salon	Barawa	557	0-08-91
			558	0-00-10
			559	0-33-57
			560	0-01-95
			In Bet Svy. No. 559 & 530	0-01-33
			530	0-00-10
			527	0-11-66
			526	0-00-56
			523	0-15-84
			528	0-00-10
			522	0-03-59
			497	0-07-40
			498	0-08-62
			509	0-04-44
			510	0-01-70
			508	0-06-08
			506	0-05-31
			498	0-02-80
			502	0-00-10
			500	0-05-42
			501	0-07-35
			499	0-10-89
			487	0-01-29
			488	0-00-23
			478	0-10-63
			476	0-03-64
			477	0-00-10
			473	0-02-75
			475	0-00-98
			474	0-08-26
			470	0-27-58
			613	0-00-11
			614	0-10-36
			467	0-01-64
			617	0-01-02
			618	0-16-81
			620	0-07-38
			621	0-22-95
			In Bet Svy. No. 621 & 451 (Metalled Road)	0-02-39
			451	0-32-27
			441	0-01-56
			439	0-18-92
			437	0-07-43
			436	0-11-47
			435	0-01-54
			434	0-01-84
			427	0-15-10
			426	0-03-82

1	2	3	4	5	1	2	3	4	5
Rai	Salon	Barawa	428	0-02-14	Raj	Salon	Pothai	2295	0-15-20
Bareilly			422	0-04-62	Bareilly			2314	0-16-15
			423	0-15-91				2322	0-06-70
			425	0-00-49				2324	0-00-76
			424	0-06-88				2321	0-10-42
			Total	3-79-93				2320	0-02-64
		Rachan-	10	0-03-36				2319	0-00-77
		pur	11	0-01-84				2317	0-01-52
			12	0-14-09				2346	0-29-72
			21	0-27-32				2348	0-11-98
			22	0-00-27				2349	0-01-56
			23	0-03-13				2276	0-04-87
			24	0-06-93				2393	0-04-06
			In Svy. No. 302	0-02-45				2394	0-31-98
			(Minor Canal)					2423	0-01-73
			302	0-18-41				2424	0-05-43
			309	0-16-98				2408	0-02-51
			310	0-06-35				2407	0-00-19
			298	0-09-58				2406	0-02-55
			294	0-08-77				2405	0-38-85
			295	0-01-53				2402	0-07-60
			293	0-00-86				2962	0-00-89
			326	0-00-10				2972	0-18-21
			327	0-15-75				2972/3303	0-01-04
			326	0-00-01				2974	0-35-99
			332	0-05-04				2967	0-00-89
			331	0-12-55				2975	0-05-57
			329	0-00-94				3026	0-18-99
			336	0-15-60				3120	0-01-20
			335	0-00-67				3029	0-00-10
			337	0-01-03				3027	0-05-94
			338	0-10-97				3028	0-02-29
			339	0-07-25				3030	0-03-37
			340	0-06-06				3032	0-00-61
			341	0-08-88				3117	0-40-08
			342	0-05-96				3116	0-03-04
			343	0-08-41				3131	0-00-43
			266	0-04-79				3115	0-18-67
			267	0-03-60				3111	0-01-75
			268	0-20-74				3101	0-00-73
			269	0-02-24				3100	0-43-53
			263	0-09-22				3098	0-11-88
			264	0-07-56				3083	0-03-93
			263	0-12-65				3249	0-02-79
			258	0-03-25				3077	0-22-55
			259	0-04-06				3076	0-02-64
			260	0-00-77				3074	0-33-61
			257	0-09-49				3075	0-01-21
			248	0-10-07				3250	0-31-84
			247	0-06-56				3254	0-00-21
			246	0-02-52				3252	0-18-96
			In Bet. Svy.	0-00-33				3263	0-00-33
			No. 242 & V.B.					3262	0-06-98
			Total	3-18-94				3255	0-00-10
		Ninava	275	0-02-35				3272	0-20-35
			Total	0-02-35				3261	0-03-22
								3274	0-18-01
							Total	5-79-12	

1	2	3	4	5	1	2	3	4	5
Rai	Salon	Atawa	10	0-07-26	Rai	Salon	Atawa	671	0-02-90
Bareilly			11	0-04-37	Bareilly			669	0-04-78
			13	0-19-27				666	0-12-73
			13/1395	0-00-10				674	0-00-75
			17	0-01-44				675	0-04-37
			18	0-00-69				677	0-03-74
			24	0-08-17				678	0-00-79
			23	0-03-16				679	0-05-34
			20	0-03-67				666	0-09-75
			19	0-00-95				665	0-02-24
			21	0-02-06				682	0-07-77
			22	0-05-45				683	0-04-08
			25	0-14-77				684	0-05-28
			33	0-06-24				685	0-10-85
			32	0-01-31				686	0-08-24
			358	0-17-28				689	0-04-33
			357	0-22-30				690	0-03-26
			365	0-00-63				707	0-09-88
			356	0-03-18				708	0-03-10
			35	0-00-46				706	0-18-28
			41	0-00-61				705	0-00-78
			36	0-00-35				704	0-01-96
			355	0-09-00				703	0-16-55
			353	0-00-37				702	0-01-51
			354	0-03-52				698	0-04-53
			352	0-22-75				699	0-18-49
			351	0-09-13				700	0-03-65
			350	0-02-82				701	0-01-81
			378	0-03-00				714	0-06-74
			349	0-20-20				Total	5-58-08
			(Road) In Svy.	0-03-19					
			No. 349					Saraudula 97	0-06-44
			386	0-07-15				98	0-17-32
			344	0-12-51				100	0-01-11
			387	0-35-91				103	0-11-46
			388	0-09-30				99	0-00-16
			485	0-09-95				104	0-01-81
			486	0-02-92				105	0-11-30
			487	0-03-68				75	0-03-74
			495	0-01-61				58	0-05-16
			490	0-00-62				59	0-03-02
			488	0-10-23				60	0-02-75
			521	0-00-10				74	0-19-73
			489	0-05-53				73	0-01-13
			520	0-01-47				70	0-49-74
			512	0-21-27				133	0-03-98
			513	0-01-71				Total	1-38-85
			514	0-00-92				Jagatpur 122	0-11-74
			516	0-24-74				123	0-67-60
			653	0-03-01				143	0-03-20
			515	0-00-28				137	0-13-13
			654	0-08-20				133	0-12-78
			657	0-00-24				132	0-06-06
			656	0-02-37				124	0-05-45
			655	0-08-05				131	0-08-54
			670	0-10-13				125	0-04-99
								Metalled Road)	0-06-36

[illegible]

1	2	3	4	5	1	2	3	4	5
Rai	Salon	Beerpur	271	0-00-45	Rai	Rai	Rajua-	1	0-10-17
Bareilly			272	0-14-60	Bareilly	Bareilly	pur	9	0-18-60
			273	0-09-41				8	0-36-97
			274	0-07-49				7	0-05-61
			358	0-01-10				10	0-00-10
			356/57	0-04-77				6	0-00-11
			355	0-07-79				11	0-25-59
			356	0-05-86				123	0-18-60
			374	0-00-49				127	0-03-65
			375	0-09-46				121	0-30-58
			376	0-02-37				119	0-17-89
			379	0-05-10				118	0-12-95
			378	0-05-66				117	0-00-22
			378/396	0-00-61				133	0-05-92
			377	0-02-34				In Svy. No. 133	
			Total	3-15-93				& 284 (Road)	
		Pachuva-	19	0-00-81				284	0-09-93
		bara						277	0-02-96
			86	0-15-23				271	0-00-46
			88	0-15-42				278	0-02-90
			89	0-04-26				281	0-00-60
			90	0-05-61				279	0-04-30
			91	0-04-95				276	0-00-17
			92	0-11-80				272	0-11-16
			93	0-21-67				270	0-03-07
			94	0-01-92				269	0-11-11
			95	0-00-24				259	0-04-44
			159	0-00-54				301	0-28-59
			161	0-21-88				In Svy. No. 301	
			160	0-04-44				(Road)	
			177	0-02-72				305	0-18-28
			199	0-01-96				In Svy. No. 305 &	
			198	0-18-21				303 (Minor Canal)	
			196	0-24-54				303	0-02-83
			197	0-02-53				307	0-00-17
			195	0-04-69				304	0-12-29
			192	0-25-26				256	0-01-12
			189	0-01-37				338	0-20-45
			186	0-28-49				339	0-12-99
			185	0-09-01				337	0-04-26
			209	0-00-18				343	0-02-19
			Total	2-27-73				344	0-30-68
								342	0-04-37
								349	0-35-70
								361	0-01-15
								362	0-08-40
								348	0-00-14
								363	0-03-48
								Totals	4-40-30

	2	3	4	5
Rai	Maharaj	Indhora	84	0-39-00
Barcilly	Ganj		81	0-00-65
			82	0-00-72
			83	0-02-40
			80	0-18-31
			141	0-07-82
			140	0-02-89
			139	0-26-04
			138	0-00-21
		In Bet Svy. No.		
		137 & 132		0-00-22
			132	0-00-40
			142	0-00-84
			144	0-04-99
			146	0-09-84
			145	0-04-60
			152	0-07-56
			153	0-15-52
			154	0-02-32
			155	0-04-58
Maharaj	Indhora		157	0-00-40
			156	0-02-49
			173	0-20-27
		In Bet Svy. No.		
		173 & 168		0-05-44
			168	0-04-36
			175	0-01-12
			164	0-00-61
			166	0-00-76
			167	0-02-70
			340	0-00-55
			341	0-00-60
			342	0-24-20
			469	0-32-30
		Total		2-44-71

[F. No. L-14014/4/05-G.P. (Part-I)]
S. B. MANDAL, Under Secy.

नई दिल्ली, 11 मई, 2005

का.आ. 1845.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, हरियाणा एवं पंजाब राज्य में, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र की बाबत इन राज्यों में अवस्थित विभिन्न उपभोक्ताओं को आर.एल.एन.जी. वितरण के लिए मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइनों बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री डी.वी. मिश्र, तहसीलदार, मैसर्स गेल (इण्डिया) लिमिटेड में प्रति- नियुक्ति पर बी-35-36, सेक्टर-1, जिला गौतम बुद्ध नगर, नोएडा-2010301 (उत्तर प्रदेश)	सम्पूर्ण हरियाणा एवम् पंजाब राज्य

[फा. सं. एल-14014/7/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th May, 2005

S.O. 1845.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorize the person mentioned in column (1) of the enclosed schedule to perform the functions of Competent Authority under the said Act for laying of the pipelines by M/s GAIL (India) Limited in the States of Haryana and Punjab for distribution of RLNG to various consumers located in these states in respect of the area mentioned in Column (2) of the said Schedule.

SCHEDULE

Name and Address of the Person	Area of Jurisdiction
(1)	(2)
Shri D. V. Mittal, Tehsildar, On deputation to M/s GAIL (India) Limited, B-35-36, Sector-1, Distt. Gautam Budh Nagar, Noida-2010301 (Uttar Pradesh)	Whole Haryana and Punjab State

[F. No. L-14014/7/05-GP]
S. B. MANDAL, Under Secy.

नई दिल्ली, 13 मई, 2005

का. आ. 1846.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापूर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता-को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री. एस. एन. कुन्देतकर, सक्षम प्राधिकारी, मुम्बई-पुणे पाइपलाइन विस्तार परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मेगा सेंटर, मांगरपट्टा, एम व एन विंग, , हादापसर-411 028 (पुणे जिला), महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : मोहोळ			जिला : सोलापूर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	कोयाले		148		00	00	75
			150		00	02	70
			165		00	03	02
			168		00	09	00
			175		00	01	20
			177		00	01	04
कुल					00	17	71
2	अंकोली		374		00	25	43
			352		00	04	20
			323		00	06	20
			272		00	12	19
			274		00	08	66

तालूका : मोहोळ			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
			273		00	03	62
			277		00	09	41
			282		00	28	66
			276		00	01	00
			283		00	06	18
			104		00	01	13
			110		00	02	55
			54		00	19	82
			50		00	18	90
			48		00	03	64
			कुल		01	51	59
3	कुरुल		858		00	11	10
			842		00	01	30
			892		00	00	30
			949		00	02	00
			1089		00	05	46
			22		00	02	58
			120		00	02	13
			137		00	14	55
			138		00	06	56
			147		00	00	30
			141		00	38	34
			150		00	07	85
			149		00	08	65
			कुल		01	01	12
4	पोफली		138		00	11	64
			139		00	06	10
			117		00	04	20
			कुल		00	21	94
5	विरवडे खुर्द		28		00	02	85
			43		00	05	74
			35		00	08	07
			95		00	06	14
			96		00	03	56
			100		00	02	12
			101		00	02	52
			103		00	01	54
			कुल		00	32	54

[फा. सं. आर-31015/23/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 13th May, 2005

S. O. 1846.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra, an extension pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S.N. Kundetkar, Competent Authority, Mumbai-Pune Pipeline Extension Project, Hindustan Petroleum Corporation Limited, Mega Center, Magarpatta - M&N Wing, Hadapsar - 411 028, Pune District, Maharashtra.

SCHEDULE

Taluka : MOHOL		District : SOLAPUR		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	KOTHALE		148		00	00	75
			150		00	02	70
			165		00	03	02
			168		00	09	00
			175		00	01	20
			177		00	01	04
			Total		00	17	71
2	ANKOLI		374		00	25	43
			352		00	04	20
			323		00	06	20
			272		00	12	19
			274		00	08	66
			273		00	03	62
			277		00	09	41

Taluka : MOHOL		District : SOLAPUR			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
			282		00	28	66
			276		00	01	00
			283		00	06	18
			104		00	01	13
			110		00	02	55
			54		00	19	82
			50		00	18	90
			48		00	03	64
Total					01	51	59
3	KURUL		858		00	11	10
			842		00	01	30
			892		00	00	30
			949		00	02	00
			1089		00	05	46
			22		00	02	58
			120		00	02	13
			137		00	14	55
			138		00	06	56
			147		00	00	30
			141		00	38	34
			150		00	07	85
			149		00	08	65
Total					01	01	12
4	POPHLI		138		00	11	64
			139		00	06	10
			117		00	04	20
Total					00	21	94
5	VIRVADE KHURD		28		00	02	85
			43		00	05	74
			35		00	08	07
			95		00	06	14
			96		00	03	56
			100		00	02	12
			101		00	02	52
			103		00	01	54
Total					00	32	54

[No. R-31015/23/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 18 मई, 2005

का. आ. 1847.—¹केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग) के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2733 तारीख 27 अक्टूबर, 2004, जो भारत के राजपत्र तारीख 30 अक्टूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 दिसंबर, 2004 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : खंडाला		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	पिंपरे बु.		गट नंबर 530 में				
			निरा नदी		00	20	51
			531		00	11	96
			529		00	22	05
			527		00	07	08
			526		00	07	44
			525		00	02	90
			524		00	02	05
			523		00	02	49
			522		00	07	63
			521		00	07	67
			520		00	07	06
			519		00	10	74
			गट नंबर 519 और				
			गाँव सीमा पिंपरे बु. के				
			बीच में दहिने और का				
			निरा कनाल		00	19	68
					कुल	01	29
						26	
2	बावकलवाडी		गाँव सीमा पिंपरे बु.				
			बावकलवाडी के				
			और बीच की भूमि		00	02	80
			473		00	03	02
			472		00	03	44
			471		00	02	74
			470		00	04	78
			469		00	04	97
			468		00	02	14
			547		00	17	73
			549		00	02	62
			548		00	02	99
			498		00	05	63
			499		00	03	52
			500		00	04	21
			546		00	28	20
			545		00	18	10
			544		00	03	46
			543		00	02	22
			542		00	03	21
			541		00	09	12
			540		00	08	86

तालुका : खंडाला		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	मट नंबर	अप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर वर्ग मीटर	8
2	बावकलवाडी (निरंतर)		मट नंबर 539 में अस्फालटेड रस्ता		00	03	22
			538		00	06	29
			537		00	04	96
			531		00	21	21
			532		00	09	69
			529		00	07	25
			मट नंबर 529 और 62 के बीच में अस्फालटेड रस्ता		00	03	46
			62		00	04	65
			63		00	08	05
			74		00	11	04
			73		00	15	90
			124		00	10	18
			68		00	00	09
			125		00	02	11
			123		00	02	04
			128		00	01	21
			129		00	00	96
			130		00	02	06
			132		00	01	46
			133		00	04	48
			136		00	01	19
			137		00	03	05
			138		00	05	28
			139		00	05	14
			140		00	09	06
			141		00	08	80
			142		00	01	55
			278		00	08	07
			149		00	22	20
			150		00	04	30
			208		00	05	05
			225		00	11	18
			226		00	11	91
			227		00	07	36
			कुल		03	58	21
3	मरीआईची वाडी		87		00	16	58
			88		00	06	21
			86		00	03	81
			71		00	09	15

तालूका : अंधाला			जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			
					हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	8	
3 मरीआईची वाडी (निरंतर)			70		00	04	35	
			69		00	09	42	
			68		00	08	88	
			67		00	12	08	
			66		00	08	05	
			93		00	16	85	
			194		00	03	56	
			113		00	53	57	
			गट नंबर 113 में मेटल्ड रस्ता	}	00	01	95	
			117		00	15	80	
			118		00	35	55	
			119		00	17	35	
			गट नंबर 178 में गाडी रास्ता	}	00	03	81	
			175		00	23	43	
			172		00	08	00	
			171		00	07	91	
			169		00	19	40	
			गट नंबर 169 और 167 के बीच में मेटल्ड रस्ता	}	00	02	35	
			180		00	03	85	
			167		00	14	71	
			168		00	20	42	
			गट नंबर 168 और 160 के बीच में मेटल्ड रस्ता	}	00	04	88	
			158		00	00	33	
			159		00	02	37	
			160		00	17	70	
			161		00	08	18	
			162		00	05	07	
			163		00	08	71	
			164		00	38	87	
			गाँव सीमा मरीआईचीवाडी के पास का नाला	}	00	08	62	
कुल					04	21	77	

तालुका : जंझला		जिला : सासाराम		राज्य : महाराष्ट्र			
क्र. सं.	गांव का नाम	सर्वे नंबर	मट नंबर	सर्वे सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर वर्ग मीटर	8
4	लोहंद	गाँव सीमा मरीआईची वाडी और सर्वे नंबर 321 के बीच में नाला			00	12	96
		321			00	42	48
		322			00	10	08
		323			00	41	76
		सर्वे नंबर 323 और गाँव सीमा बाकुपाटलाची वाडी के बीच में नदीपुडी नाला			00	10	80
		326			00	13	68
		329			00	51	84
		सर्वे नंबर 329 में मेटल्ड रोड			00	02	88
		328			00	23	76
		सर्वे नंबर 328 और 344 के बीच में राज्य मार्ग 68			00	04	32
		341			00	36	72
		334			00	14	40
		337			00	27	36
		338			00	10	80
		339			00	09	22
		340			00	09	79
		345			00	32	40
		346			00	30	96
		347			00	56	16
		सर्वे नंबर 347 और गाँव सीमा कोरेगाँव के बीच में नाला			00	07	49
कुल					04	49	86
5	बाकुपाटलाची वाडी	गाँव सीमा लोहंद और बाकुपाटलाची वाडी के बीच में नदीपुडी नाला			00	04	66
		166			00	05	65
		167			00	01	45

तालूका : खंडाला			जिला : सातारा		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर वगे	मीटर
			165		00	15	97
			158		00	12	68
			157		00	06	99
			160		00	00	20
कुल					00	47	60

[फा. सं. आर-31015/31/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 18th May, 2005

S. O. 1847.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2733, dated 27th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Lonā (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 13th December, 2004;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : KHANDALA			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	PIMPRE BK.		Nira River in Gat No. 530		00	20	51
			531		00	11	96
			529		00	22	05
			527		00	07	08
			526		00	07	44
			525		00	02	90
			524		00	02	05
			523		00	02	49
			522		00	07	63
			521		00	07	67
			520		00	07	06
			519		00	10	74
			Nira Right Bank Canal in between Gat No 519 & V.B. Pimpre Bk.		00	19	68
			Total		01	29	26
2	BAVKALWADI		Area between V.B. Pimpre Bk. & Bavkalwadi		00	02	80
			473		00	03	02
			472		00	03	44
			471		00	02	74
			470		00	04	78
			469		00	04	97
			468		00	02	14
			547		00	17	73
			549		00	02	62
			548		00	02	99
			498		00	05	63
			499		00	03	52
			500		00	04	21
			546		00	28	20
			545		00	18	10
			544		00	03	46
			543		00	02	22
			542		00	03	21
			541		00	09	12
			540		00	08	86

Taluka : KHANDALA			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	BAVKALWADI (Contd.)		Asphalted Road in } Gat No 539		00	03	22
			538		00	06	29
			537		00	04	96
			531		00	21	21
			532		00	09	69
			529		00	07	25
			Asphalted Road in } between Gat No		00	03	46
			529 & 62				
			62		00	04	65
			63		00	08	05
			74		00	11	04
			73		00	15	90
			124		00	10	18
			68		00	00	09
			125		00	02	11
			123		00	02	04
			128		00	01	21
			129		00	00	96
			130		00	02	06
			132		00	01	46
			133		00	04	48
			136		00	01	19
			137		00	03	05
			138		00	05	28
			139		00	05	14
			140		00	09	06
			141		00	08	80
			142		00	01	55
			278		00	08	07
			149		00	22	20
			150		00	04	30
			208		00	05	05
			225		00	11	18
			226		00	11	91
			227		00	07	36
Total					03	58	21
3	MARIAICHIWADI		87		00	16	58
			88		00	06	21
			86		00	03	81
			71		00	09	15

Taluka : KHANDALA			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Acre	Sq.mt
1	2	3	4	5	6	7	8
3	MARIAICHIWADI (Contd.)		70		00	04	35
			69		00	09	42
			68		00	08	88
			67		00	12	08
			66		00	08	05
			93		00	16	85
			194		00	03	56
			113		00	53	57
			Metalled Road in Gat No 113	}	00	01	95
			117		00	15	80
			118		00	35	55
			119		00	17	35
			Cart Track in Gat No 175	}	00	03	81
			175		00	23	43
			172		00	08	00
			171		00	07	91
			169		00	19	40
			Metalled Road in between Gat No 169 & 167	}	00	02	35
			180		00	03	85
			167		00	14	71
			168		00	20	42
			Metalled Road in between Gat No 168 & 160	}	00	04	88
			158		00	00	33
			159		00	02	37
			160		00	17	70
			161		00	08	18
			162		00	05	07
			163		00	08	71
			164		00	38	87
			Nala adjacent to V.B. of Mariaichiwadi	}	00	08	62
Total					04	21	77

Taluka : KHANDALA			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	LONAND	Nala in between V.B. of Mariaichiwadi & Survey No 321			00	12	96
		321			00	42	48
		322			00	10	08
		323			00	41	76
		Nadipudi Odha in between Survey No 323 & V.B. of Balupatlachiwadi			00	10	80
		326			00	13	68
		329			00	51	84
		Metalled Road in Survey No 329			00	02	88
		328			00	23	76
		SH - 61 in between Survey No 328 & 341			00	04	32
		341			00	36	72
		334			00	14	40
		337			00	27	36
		338			00	10	80
		339			00	09	22
		340			00	09	79
		345			00	32	40
		346			00	30	96
		347			00	56	16
		Nala in between Survey No 347 & V.B. Koregaon			00	07	49
Total					04	49	86
5	BALUPATLACHI WADI	Nadipudi Nala in between V.B. Lonand & Balupatlachiwadi			00	04	66
		166			00	05	65
		167			00	01	45

Taluka : KHANDALA			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
			165		00	15	97
			158		00	12	68
			157		00	06	99
			160		00	00	20
Total					00	47	60

[No. R-31015/31/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 19 मई, 2005

का. आ. 1848.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2734 तारीख 29 अक्टूबर, 2004, जो भारत के राजपत्र तारीख 30 अक्टूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोन् (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 17 फरवरी, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की वजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	मोल		148		00	37	16
			गट नंबर 148 में प्रमुख जिला मार्ग 20 }		00	01	94
			159		00	14	47
			160		00	48	58
			206		00	19	06
			205		00	52	11
			200		00	00	12
			224		00	03	25
			199		00	44	08
			225		00	55	88
			243		00	07	41
			242		00	60	68
			269		00	12	27
			274		00	04	82
			273		00	21	54
			280		00	08	42
			279		00	00	02
			276		00	15	89
			278		00	01	62
			277		00	06	07
			357		00	15	24
			358		00	36	94
			435		00	04	00
			434		00	03	20
			433		00	02	29
			432		00	01	84
			431		00	00	17
			427		00	00	05
			428		00	00	10
			429		00	00	05
			424		00	06	86

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	मौल (निरंतर)		386 पै		00	00	10
			389 पै		00	07	15
			गट नंबर 388, 532, 533, 534, 535, 536, 537 और 544 में प्रमुख जिला		00	04	67
			मार्ग 20				
			388 पै		00	12	31
			532 पै		00	05	22
			533		00	01	62
			534		00	00	86
			536		00	01	58
			538		00	01	60
			539		00	01	85
			540 पै		00	01	85
			544 पै		00	03	29
			545 पै		00	01	75
			546 पै		00	01	99
			547 पै		00	02	58
			548 पै		00	02	51
			550 पै		00	04	43
			551 पै		00	04	37
			553		00	01	41
			554		00	01	10
			555		00	01	00
			556		00	00	90
			557		00	00	86
			558		00	00	77
			559		00	00	81
			564		00	03	69
			565		00	01	24
			566		00	01	36
			568 पै		00	03	93
			572		00	02	03

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	मौल (निरंतर)		573 पै		00	01	98
			574		00	01	24
			575		00	01	30
			576		00	01	46
			579		00	02	22
			580		00	02	87
			581		00	02	16
			582		00	02	51
			597		00	10	56
			गट नंबर 581, 582 } और 597 के बीच का नाला		00	01	92
			605 पै		00	04	45
			607		00	04	95
			608		00	03	12
			598		00	04	77
			610		00	06	21
			611		00	03	60
			613		00	19	77
			612		00	12	98
			गट नंबर 614 क } पास का नाला		00	02	36
			614		00	02	82
			गट नंबर 614 } में नाला		00	02	52
			615		00	12	80
			641		00	00	09
			639		00	11	27
			638		00	04	83
			637		00	07	50
			646		00	00	10
			647		00	17	33
			658		00	12	07
			657		00	11	31
			656		00	06	44
			655		00	01	59

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	मोह (निरंतर)		685		00	13	80
			684		00	26	19
				कुल	07	86	05
2	ललगुण		321		00	13	09
			320		00	05	04
			319		00	30	74
			326	1	00	05	58
			325		00	00	04
			326	2	00	03	88
			327		00	03	23
			329		00	07	60
			330		00	01	24
			331		00	02	89
			332		00	01	98
			333		00	05	27
			334		00	10	65
			335		00	10	99
			338		00	07	78
			369		00	08	83
		गट नंबर 369 और 374 के बीच में नाला			00	02	73
			373		00	14	42
			372		00	12	62
		गट नंबर 383 में मेटल्ड रास्ता			00	02	27
			383		00	16	12
			385		00	05	55
			386		00	04	35
			387		00	07	65
			391		00	05	90
			396		00	29	17
			835		00	18	49
			411		00	05	61
			409 और 410		00	13	01
			422		00	13	05

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	ललगुण (निरंतर)		423		00	02	96
			गट नंबर 423 और 114 के बीच में येरला नदी		00	09	10
			114		00	20	42
			103		00	20	40
			100		00	06	23
			39	9	00	06	10
			39	8	00	14	01
			39	7	00	14	39
			39	6	00	25	18
			गट नंबर 41 म अस्फालटेड रास्ता		00	01	60
			41		00	13	41
			39	1	00	10	45
			1158		00	05	41
			140		00	23	82
			802		00	27	05
			801		00	00	59
			1142		00	16	14
			कुल		04	87	03
3	पवारवाडी		338		00	68	49
			335		00	10	78
			336		00	04	47
			356		00	12	12
			361		00	00	22
			360		00	08	49
			359		00	06	02
			358		00	09	97
			351		00	11	59
			गट नंबर 351, 391 और 393 के बीच का रास्ता		00	01	89
			393		00	08	83
			391		00	02	39
			392		00	38	84
			394		00	26	35
			417		00	25	98

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	पवारवाडी (निरंतर)		396		00	38	34
			416		00	21	73
			गट नंबर 416 और 412 के बीच का गाडी रास्ता		00	01	69
			412		00	02	30
			413		00	00	32
			415		00	17	51
			453		00	19	20
			471		00	26	24
			470		00	40	09
			472		00	02	88
			468		00	06	72
			467		00	12	15
			525		00	32	67
			533		00	08	31
			584		00	04	97
			534		00	28	39
			535		00	26	23
			548		00	04	53
			546		00	05	86
			545		00	01	54
			547		00	12	84
			कुल		05	50	92
4	वर्धनगड		194		00	00	48
			195		00	02	55
			193		00	26	76
			220		00	19	38
			218		00	23	41
			गट नंबर 218, 217 और 216 के बीच में अस्फालटेड रस्ता		00	04	00
			217		00	13	44
			216		00	01	87
			215		00	26	11
			315		00	42	31
			316		00	03	19

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	वर्धनगड (निरंतर)		337		00	07	91
			336		00	04	27
			334		00	00	20
			338		00	16	48
			गट नंबर 338, 336				
			और 334 के बीच में		00	05	26
			राज्य मार्ग 74				
			339		00	35	69
			340		00	13	41
			341		00	10	89
			329		00	04	57
				कुल	02	62	18
5	पुसेगाँव		1124		00	29	84
			1126		00	15	73
			1125		00	05	02
			1129		00	20	38
			1130		00	11	23
			1136		00	10	33
			1137		00	16	67
			994		00	03	99
			993		00	27	48
			1016		00	02	39
			1017		00	18	59
			1018		00	05	29
			1019		00	03	33
			1020		00	01	47
			987		00	05	05
			986		00	15	64
			983		00	00	05
			984		00	08	54
			985		00	06	12
			975		00	18	17
			974		00	00	05
			976		00	05	07
			977		00	37	44
			797		00	00	64
			774		00	38	53

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	पुसेगाँव (निरंतर)		गट नंबर 774 में प्रमुख जिला मार्ग 20		00	06	01
			778		00	04	01
			776		00	12	84
			765		00	09	93
			764		00	07	03
			763		00	02	07
			761		00	01	78
			760		00	15	80
			759		00	38	50
			कुल		04	05	01
6	विसापुर		777		00	08	10
			778		00	09	72
			779		00	21	60
			785		00	08	10
			786		00	15	75
			787		00	13	14
			894		00	09	09
			893		00	09	90
			892		00	06	75
			891		00	03	30
			890		00	07	31
			880		00	31	59
			858		00	15	30
			गट नंबर 858 और 1112 के बीच में नाला		00	07	44
			1112		00	01	56
			1115		00	15	93
			1110		00	09	84
			1117		00	15	45
			1103		00	00	46
			1116		00	12	37
			1134		00	09	71
			1135		00	06	09
			1139		00	04	64

खण्ड		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
6	विसापुर (निरंतर)		गट नंबर 1139 के पास का नाला		00	04	44
			1158		00	15	84
			1159		00	09	56
			1160		00	12	37
			1161		00	02	62
			कुल		02	87	97
7	आतगुण		952		00	10	61
			950		00	03	86
			947		00	22	46
			946		00	00	24
			943		00	04	28
			942		00	04	55
			801		00	06	52
			827		00	00	80
			828		00	10	08
			829		00	10	00
			830		00	12	48
			842		00	12	99
			843		00	02	09
			841		00	05	23
			845		00	08	20
			847		00	10	84
			856		00	07	23
			861		00	01	53
			853		00	04	54
			854		00	05	10
			855		00	05	77
			865		00	07	40
			866		00	12	53
			867		00	04	00
			868		00	07	59
			871		00	31	68
			787		00	04	27
			533		00	37	82
			788		00	00	31
			786		00	48	39
			783		00	12	62

तालूका : अद्यव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
7	आतगुण (निरंतर)		700		00	12	01
			गट नंबर 700 में				
			नाला		00	02	39
			711		00	00	50
			710		00	05	30
			709		00	14	62
			707		00	10	78
			706		00	05	71
			705		00	05	07
			702		00	10	41
			704		00	08	51
			703		00	09	39
			683		00	00	16
			664		00	02	85
			665		00	34	67
			666		00	00	07
			589		00	32	68
			582		00	07	23
			588		00	04	00
			583		00	04	22
			580		00	16	40
				कुल	05	02	98
8	जखणगाँव		344		00	29	04
			345		00	07	13
			348		00	22	54
			10		00	11	40
			9		00	45	82
			8		00	01	25
			7		00	00	15
			गट नंबर 9 से 7				
			और 355 के बीच में				
			अस्फालटेड रस्ता		00	06	00
			355		00	24	44
			356		00	07	43
			511		00	03	47
			510		00	15	92

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
8	जखणगाव (निरंतर)		509		00	00	56
			512		00	05	82
			गट नंबर 513 में अस्फालटेड रस्ता		00	03	76
			514		00	07	63
			516		00	06	44
			515		00	00	01
			533		00	00	95
			517		00	02	11
			518		00	01	26
			गट नंबर 532 और 538 के बीच में गाड़ी रस्ता		00	02	94
			538		00	10	55
			539		00	00	06
			544		00	07	64
			गट नंबर 544 और 569 के बीच में नाला		00	03	43
			569		00	04	27
			568		00	08	85
			567		00	04	14
			571		00	00	11
			731		00	15	24
			570		00	02	18
			732		00	02	72
			729		00	17	82
			728		00	11	79
			727		00	06	40
			696		00	13	10
			697		00	00	05
			693		00	08	50
			692		00	06	17
			691		00	04	75
			689		00	12	30
			698		00	68	86
			699		00	04	43
			700		00	00	05
			701		00	18	91
कुल					04	38	39

तालूका : अदव		जिला : सातारा		राज्य : महाराष्ट्र				
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			
					हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	8	
9	वडखल		130		00	85	14	
			126		00	10	76	
			113		00	00	92	
			112		00	16	32	
			111		00	00	57	
			110		00	22	32	
			109		00	03	68	
			108		00	00	78	
			104		00	19	81	
			100		00	16	11	
			101		00	20	70	
			95		00	17	09	
			94		00	11	81	
			93		00	17	70	
			91		00	16	28	
			92		00	03	88	
			12		00	24	77	
			13		00	22	78	
			14		00	15	74	
			16		00	39	90	
			17		00	20	86	
			56		00	00	42	
			18		00	15	29	
			19		00	00	57	
		गट नंबर 19 के आगे और गाँव वडखल, भोसरे के सीमा पर भूमि			00	02	65	
					कुल	04	06	85
10	भोसरे		गाँव सीमा भोसरे और गट नंबर 1147 और 1130 के बीच में नाला		00	02	54	
			1147		00	07	14	
			1130		00	11	00	
			1144		00	00	10	
			1143		00	03	84	
			1142		00	21	61	
			1141		00	11	94	
			1150		00	08	63	

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
10	भासरे (निरंतर)		1151		00	03	23
			गट नंबर 1151 और				
			नाला के बीच में		00	02	53
			मेटल्ड रस्ता				
			गट नंबर				
			1151, 1150, 1277		00	08	27
			और 1278 के बीच				
			में नाला				
			1277		00	01	83
			1278		00	07	45
			1279		00	04	69
			1285		00	03	40
			1291		00	02	10
			1293		00	01	54
			1294		00	01	87
			गट नंबर 1295 से				
			1308 के बीच		00	04	11
			में नाला				
			1284		00	08	23
			गट नंबर 1311 के				
			बीच में नाला		00	00	27
			1310		00	04	11
			1254		00	26	53
			गट नंबर 1254 और				
			30 के बीच में		00	00	95
			मेटल्ड रस्ता				
			30		00	07	24
			31		00	02	92
			25		00	21	99
			69		00	13	78
			70		00	06	49
			71		00	00	90
			72		00	06	26
			67		00	09	71
			65		00	19	10

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
10	भोसरे (निरंतर)		64		00	00	76
			गट नंबर 64 और 146 के बीच में प्रमुख जिला मार्ग 44		00	04	72
			146		00	44	95
			गट नंबर 146 और 153 के बीच में रास्ता		00	04	11
			153		00	03	17
			152		00	05	20
			150		00	02	39
			151		00	10	16
			154		00	23	44
			172		00	06	75
			176		00	05	31
			175		00	15	11
			174		00	18	05
			180		00	11	62
			182		00	20	67
			183		00	27	90
			185		00	04	51
			कुल		04	45	12
11	लोणी		458		00	07	74
			457		00	16	79
			455		00	03	64
			450		00	22	49
			449		00	04	53
			448		00	06	10
			447		00	26	33
			445		00	43	26
			कुल		01	30	88
12	वरुड		1254		00	37	78
			1251		00	13	48
			1250		00	16	25
			1247		00	60	74
			1246		00	07	50
			1245		00	01	86
			1187		00	07	86

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
12	वरुड (निरंतर)		1220		00	03	77
			1221		00	02	01
			1222		00	02	02
			1223		00	06	90
			1227		00	07	21
			1228		00	13	12
			1234		00	17	62
			1178		00	12	44
			गट नंबर 1176 और 852 के बीच में नाला		00	02	31
			852		00	21	11
			851		00	35	40
			840		00	22	86
			839		00	14	69
			756	अ	00	14	64
			गट नंबर 756 अ में नाला		00	02	64
			758		00	08	73
			759		00	22	25
			748		00	13	16
			747		00	03	84
			746		00	03	87
			747		00	06	51
			715		00	69	72
			718		00	18	57
			717		00	36	99
			गट नंबर 717 में नाला		00	01	07
			723		00	57	74
			गट नंबर 723 और 724 के बीच में जिला मार्ग		00	02	32
			724		00	10	54
				कुल	05	79	52
13	औंध	21			00	15	22
		57			00	37	68
		58			00	42	37

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
13	औध (निरंतर)	59			00	49	15
		52			00	73	00
		60			00	18	00
		61			00	73	46
	सर्वे नंबर 61 और 125 के बीच में मेल्ड रस्ता				00	03	60
		125			00	58	05
		124			00	30	96
		132			00	18	96
		133			00	18	08
	• 134				00	18	23
	सर्वे नंबर 134 और 167 के बीच में अस्फाल्ट रस्ता				00	01	93
		167			00	34	64
		166			00	24	87
	सर्वे नंबर 166 में बाली				00	04	08
		137			00	08	61
		165			00	36	32
		163			00	31	89
		162			00	41	03
		184			00	01	97
		185			00	37	86
		186			00	29	10
		187			00	11	01
		188			00	09	99
		189			00	18	94
		190			00	23	10
		192			00	21	21
		193			00	12	69
		194			00	56	02
कुल					08	62	02
14	खरशिंगे		338		00	13	00
			335		00	10	93
			334		00	00	60

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
14	अरशिंगे (निरंतर)		333		00	15	84
			332		00	22	21
			331		00	00	89
			104		00	51	92
			106		00	24	87
			119		00	06	65
			120		00	00	09
			121		00	07	62
		गट नंबर 121 में मेटल्ड रास्ता			00	02	29
			122		00	02	29
			123		00	03	21
			124		00	01	83
			126		00	02	19
			125		00	09	41
			154		00	00	05
			153		00	09	11
			165		00	02	70
			152		00	00	37
			164		00	11	08
		गट नंबर 164 और 176 के बीच में नाला			00	05	43
			178		00	00	18
			176		00	15	18
			764		00	19	10
		गट नंबर 764 और 776 से 799 के बीच में मेटल्ड रोड			00	05	18
			814	ब	00	11	42
			817		00	08	07
			816		00	20	60
			823		00	29	67
कुल					03	13	98

तालुका : अदव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर	वर्ग मीटर
15	येलीव		252		00	12	95
			253		00	11	07
			254		00	07	68
			255		00	11	60
			827		00	06	39
कुल					00	49	69
16	पलशी		924		00	02	68
			922		00	22	41
			921		00	09	81
			951		00	12	43
			920		00	09	32
			919		00	09	59
			870		00	03	72
			872		00	17	32
			873		00	17	38
		गट नंबर 873 में राज्य मार्ग 69			00	04	26
			874		00	02	24
			834		00	01	67
			835		00	09	42
			860		00	06	75
			861		00	13	30
			862		00	11	28
			849		00	11	14
			846		00	08	27
			847		00	15	75
			845		00	08	66
		गट नंबर 845 और 844 के बीचमें कनाल			00	08	33
			844		00	06	99
			843		00	02	48
कुल					02	15	20
17	लाडेगाँव		33		00	00	59
			122		00	41	43
			114		00	01	78
			113		00	01	74

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
17	लाडेगाँव (निरंतर)		115		00	00	05
			112		00	02	18
			107		00	02	16
			106		00	02	16
			98		00	02	96
			90		00	01	37
			89		00	02	24
			88		00	02	80
			85		00	00	11
			87		00	01	42
			86		00	03	33
			83		00	01	63
			82		00	03	68
			77		00	25	92
			75		00	01	71
			74		00	01	65
			गट नंबर 74 और 149 के बीच में नाला		00	06	69
			148		00	00	05
			149		00	29	17
			167		00	01	16
			160		00	00	28
			162		00	05	79
			161		00	04	51
			163		00	10	81
			164		00	06	26
			245		00	05	81
			247		00	13	43
			245		00	16	63
			गट नंबर 245 और 305 के बीच में रोड		00	03	02
			रास्ता				
			305		00	09	39
			306		00	03	17
			304		00	09	29
			302		00	07	93
			311		00	08	28
			312		00	19	03
			333		00	02	30

तालुका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
17	लाडेगाँव (गिरंतर)		332		00	00	80
			331		00	01	09
			330		00	01	80
			329		00	02	19
			312		00	01	09
			328		00	04	01
			327		00	00	04
			324		00	28	71
			323		00	11	72
			322		00	16	45
			382		00	00	63
			378		00	11	81
			389		00	00	05
			388		00	30	02
			394		00	02	35
			395		00	04	29
			396		00	08	01
			393		00	01	07
			397		00	02	64
			399		00	00	03
				कुल	03	92	71
18	वांझोली		326		00	07	14
			327		00	03	15
			328		00	06	02
			342		00	22	99
			344		00	34	69
			345		00	09	54
			346		00	16	61
		गट नंबर 346 और 347 के बीच में टुकड़ा रास्ता			00	04	02
			347		00	15	81
			348		00	29	79
		गट नंबर 348 और 349 के बीच में नाला			00	05	69
			349		00	68	25
			350		00	22	06
			351		00	28	90
						कुल	02

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
19	रहाटणी		613		01	00	25
			612		00	81	45
			गट नंबर 612, 651, 650 और 610 के बीच में अस्फालटेड		00	03	13
			610		00	06	88
			588		00	14	79
			589		00	30	10
			580		00	40	35
			590		00	23	48
			591		00	07	44
			गट नंबर 591 और 580 के बीच में नाला		00	05	74
			561		00	24	23
			गट नंबर 579, 580 और 561 के बीच में अस्फालटेड रस्ता		00	01	83
			565		00	00	30
			562		00	04	09
			563		00	18	00
			कुल		03	62	06
20	चोराडे		1410		00	12	79
			1409		00	12	81
			1399		00	10	52
			गट नंबर 1399 और 1398 में राज्य मार्ग 73		00	02	78
			1398		00	07	81
			1397	1	00	66	33
			1395		00	16	29
			1396		00	05	64
			1394		00	01	84
			1391		00	14	38
			1392		00	12	15
			1372		00	10	80
			1364		00	00	15

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
20	चोराडे (निरंतर)		1366		00	08	55
			1367		00	01	56
			1371		00	23	49
			1370		00	00	15
			1369		00	07	99
			1313	1 अ	00	01	25
			1313	2	00	00	05
			गट नंबर 1369 और				
			1315 के बीच		00	08	78
			में नाला				
			1315		00	01	83
			1314		00	23	60
			970		00	10	09
			969		00	04	73
			967		00	04	47
			964		00	00	50
			963		00	02	87
			962		00	04	73
			गट नंबर 962 और				
			931 के बीच का		00	03	44
			मेटल्ड रास्ता				
			931		00	42	58
			गट नंबर 931 में				
			मेटल्ड रास्ता		00	02	15
			743		00	16	09
			779		00	05	63
			767	1	00	07	99
			766		00	03	44
			763		00	06	08
			761		00	01	22
			760		00	00	34
			762		00	01	01
			759		00	03	76
			747	1	00	15	16
			747	2	00	00	94
			गट नंबर 747/1				
			और 747/2 के बीच		00	03	07
			में नाला				
			748		00	12	71

1	2	3	4	5	6	7	8
20	चोराडे (निरंतर)		750		00	08	33
			751		00	09	45
			754		00	06	03
			755		00	10	24
			789		00	02	81
			791		00	00	10
			795	1	00	20	93
			795	2	00	04	27
			796		00	07	34
			800		00	30	12
			705		00	07	01
कुल					05	11	17

[फा. सं. आर-31015/32/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 19th May, 2005

S. O. 1848.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2734, dated the 29th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by M/s Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 17th February, 2005

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in M/s Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : KHATAV		District : SATARA		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	MOL		148		00	37	16
			MDR - 20 in Gat No 148	}	00	01	94
			159		00	14	47
			160		00	48	58
			206		00	19	06
			205		00	52	11
			200		00	00	12
			224		00	03	25
			199		00	44	08
			225		00	55	88
			243		00	07	41
			242		00	60	68
			269		00	12	27
			274		00	04	82
			273		00	21	54
			280		00	08	42
			279		00	00	02
			276		00	15	89
			278		00	01	62
			277		00	06	07
			357		00	15	24
			358		00	36	94
			435		00	04	00
			434		00	03	20
			433		00	02	29
			432		00	01	84
			431		00	00	17
			427		00	00	05
			428		00	00	10
			429		00	00	05
			424		00	06	86

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	MOL (Contd.)		386(P)		00	00	10
			389 (P)		00	07	15
			MDR - 20 in Gat No } 388,532,533, 534,535, 536, 537 & 544		00	04	67
			388(P)		00	12	31
			532(P)		00	05	22
			533		00	01	62
			534		00	00	86
			536		00	01	58
			538		00	01	60
			539		00	01	85
			540(P)		00	01	85
			544(P)		00	03	29
			545(P)		00	01	75
			546(P)		00	01	99
			547(P)		00	02	58
			548(P)		00	02	51
			550(P)		00	04	43
			551(P)		00	04	37
			553		00	01	41
			554		00	01	10
			555		00	01	00
			556		00	00	90
			557		00	00	86
			558		00	00	77
			559		00	00	81
			564		00	03	69
			565		00	01	24
			566		00	01	36
			568(P)		00	03	93
			572		00	02	03

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	MOL (Contd.)		573(P)		00	01	98
			574		00	01	24
			575		00	01	30
			576		00	01	46
			579		00	02	22
			580		00	02	87
			581		00	02	16
			582		00	02	51
			597		00	10	56
			Nala in between Gat No 581, 582 & 597		00	01	92
			605(P)		00	04	45
			607		00	04	95
			608		00	03	12
			598		00	04	77
			610		00	06	21
			611		00	03	60
			613		00	19	77
			612		00	12	98
			Nala near Gat No 614		00	02	36
			614		00	02	82
			Nala in Gat No 614		00	02	52
			615		00	12	80
			641		00	00	09
			639		00	11	27
			638		00	04	83
			637		00	07	50
			646		00	00	10
			647		00	17	33
			658		00	12	07
			657		00	11	31
			656		00	06	44
			655		00	01	59

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt.
1	2	3	4	5	6	7	8
1	MOL (Contd.)		685		00	13	80
			684		00	26	19
Total					07	86	05
2	LALGUN		321		00	13	09
			320		00	05	04
			319		00	30	74
			326	1	00	05	58
			325		00	00	04
			326	2	00	03	88
			327		00	03	23
			329		00	07	60
			330		00	01	24
			331		00	02	89
			332		00	01	98
			333		00	05	27
			334		00	10	65
			335		00	10	99
			338		00	07	78
			369		00	08	83
			Stream in between Gat No 369 & 374		00	02	73
			373		00	14	42
			372		00	12	62
			Metalled Road in Gat No 383		00	02	27
			383		00	16	12
			385		00	05	55
			386		00	04	35
			387		00	07	65
			391		00	05	90
			396		00	29	17
			835		00	18	49
			411		00	05	61
			409 & 410		00	13	01
			422		00	13	05

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	LALGUN (Contd.)		423		00	02	96
			Yerla River in between Gat No 423 & 114		00	09	10
			114		00	20	42
			103		00	20	40
			100		00	06	23
			39	9	00	06	10
			39	8	00	14	01
			39	7	00	14	39
			39	6	00	25	18
			Asphalted Road In Gat No 41		00	01	60
			41		00	13	41
			39	1	00	10	45
			1158		00	05	41
			140		00	23	82
			802		00	27	05
			801		00	00	59
			1142		00	16	14
Total					04	87	03
3	PAWARWADI		338		00	68	49
			335		00	10	78
			336		00	04	47
			356		00	12	12
			361		00	00	22
			360		00	08	49
			359		00	06	02
			358		00	09	97
			351		00	11	59
			Road in between Gat Nos 351, 391 & 393		00	01	89
			393		00	08	83
			391		00	02	39
			392		00	38	84
			394		00	26	35
			417		00	25	98

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3 PAWARWADI (Contd.)			396		00	38	34
			416		00	21	73
			Cart Track in between Gat No 416 & 412		00	01	69
			412		00	02	30
			413		00	00	32
			415		00	17	51
			453		00	19	20
			471		00	26	24
			470		00	40	09
			472		00	02	88
			468		00	06	72
			467		00	12	15
			525		00	32	67
			533		00	08	31
			584		00	04	97
			534		00	28	39
			535		00	26	23
			548		00	04	53
			546		00	05	86
			545		00	01	54
			547		00	12	84
Total					05	50	92
4 VARDHANGAD			194		00	00	48
			195		00	02	55
			193		00	26	76
			220		00	19	38
			218		00	23	41
			Asphalted road in between Gat No 218, 217 & 216		00	04	00
			217		00	13	44
			216		00	01	87
			215		00	26	11
			315		00	42	31
			316		00	03	19

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4 VARDHANGAD (Contd.)			337		00	07	91
			336		00	04	27
			334		00	00	20
			338		00	16	48
			SH - 74 in between Gat No 338, 336 & 334		00	05	26
			339		00	35	69
			340		00	13	41
			341		00	10	89
			329		00	04	57
Total					02	62	18
5 PUSEGAON			1124		00	29	84
			1126		00	15	73
			1125		00	05	02
			1129		00	20	38
			1130		00	11	23
			1136		00	10	33
			1137		00	16	67
			994		00	03	99
			993		00	27	48
			1016		00	02	39
			1017		00	18	59
			1018		00	05	29
			1019		00	03	33
			1020		00	01	47
			987		00	05	05
			986		00	15	64
			983		00	00	05
			984		00	08	54
			985		00	06	12
			975		00	18	17
			974		00	00	05
			976		00	05	07
			977		00	37	44
			797		00	00	64
			774		00	38	53

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	PUSEGAON (Contd.)		MDR - 20 in Gat No 774		00	06	01
			778		00	04	01
			776		00	12	84
			765		00	09	93
			764		00	07	03
			763		00	02	07
			761		00	01	78
			760		00	15	80
			759		00	38	50
Total					04	05	01
6	VISAPUR		777		00	08	10
			778		00	09	72
			779		00	21	60
			785		00	08	10
			786		00	15	75
			787		00	13	14
			894		00	09	09
			893		00	09	90
			892		00	06	75
			891		00	03	30
			890		00	07	31
			880		00	31	59
			858		00	15	30
			Nala in between Gat No 858 & 1112		00	07	44
			1112		00	01	56
			1115		00	15	93
			1110		00	09	84
			1117		00	15	45
			1103		00	00	46
			1116		00	12	37
			1134		00	09	71
			1135		00	06	09
			1139		00	04	64

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
6	VISAPUR (Contd.)		Nala adjacent to Gat No 1139 }		00	04	44
			1158		00	15	84
			1159		00	09	56
			1160		00	12	37
			1161		00	02	62
Total					02	87	97
7	KHATGUN		952		00	10	61
			950		00	03	86
			947		00	22	46
			946		00	00	24
			943		00	04	28
			942		00	04	55
			801		00	06	52
			827		00	00	80
			828		00	10	08
			829		00	10	00
			830		00	12	48
			842		00	12	99
			843		00	02	09
			841		00	05	23
			845		00	08	20
			847		00	10	84
			856		00	07	23
			861		00	01	53
			853		00	04	54
			854		00	05	10
			855		00	05	77
			865		00	07	40
			866		00	12	53
			867		00	04	00
			868		00	07	59
			871		00	31	68
			787		00	04	27
			533		00	37	82
			788		00	00	31
			786		00	48	39
			783		00	12	62

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
7	KHATGUN (Contd.)		700		00	12	01
			Nala in Gat No 700	}	00	02	39
			711		00	00	50
			710		00	05	30
			709		00	14	62
			707		00	10	78
			706		00	05	71
			705		00	05	07
			702		00	10	41
			704		00	08	51
			703		00	09	39
			683		00	00	16
			664		00	02	85
			665		00	34	67
			666		00	00	07
			589		00	32	68
			582		00	07	23
			588		00	04	00
			583		00	04	22
			580		00	16	40
Total					05	02	98
8	JAKHANGAON		344		00	29	04
			345		00	07	13
			348		00	22	54
			10		00	11	40
			9		00	45	82
			8		00	01	25
			7		00	00	15
			Asphalted Road in between Gat No 9 to 7 & 355	}	00	06	00
			355		00	24	44
			356		00	07	43
			511		00	03	47
			510		00	15	92

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
8	JAKHANGAON (Contd.)		509		00	00	56
			512		00	05	82
			Asphalted Road in Gat No 513	}	00	03	76
			514		00	07	63
			516		00	06	44
			515		00	00	01
			533		00	00	95
			517		00	02	11
			518		00	01	26
			Cart Track in between Gat No 532 & 538	}	00	02	94
			538		00	10	55
			539		00	00	06
			544		00	07	64
			Nala in between Gat No 544 & 569	}	00	03	43
			569		00	04	27
			568		00	08	85
			567		00	04	14
			571		00	00	11
			731		00	15	24
			570		00	02	18
			732		00	02	72
			729		00	17	82
			728		00	11	79
			727		00	06	40
			696		00	13	10
			697		00	00	05
			693		00	08	50
			692		00	06	17
			691		00	04	75
			689		00	12	30
			698		00	68	86
			699		00	04	43
			700		00	00	05
			701		00	18	91
Total					04	38	39

Taluka : KHATAV		District : SATARA		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
9	VADKHAL		130		00	85	14
			126		00	10	76
			113		00	00	92
			112		00	16	32
			111		00	00	57
			110		00	22	32
			109		00	03	68
			108		00	00	78
			104		00	19	81
			100		00	16	11
			101		00	20	70
			95		00	17	09
			94		00	11	81
			93		00	17	70
			91		00	16	28
			92		00	03	88
			12		00	24	77
			13		00	22	78
			14		00	15	74
			16		00	39	90
			17		00	20	86
			56		00	00	42
			18		00	15	29
			19		00	00	57
			Area next to Gat No 19 & VB of Bhosre		00	02	65
Total					04	06	85
10	BHOSRE		Nala on V.B. of Bhosre village & Gat No 1147 & 1130		00	02	54
			1147		00	07	14
			1130		00	11	00
			1144		00	00	10
			1143		00	03	84
			1142		00	21	61
			1141		00	11	94
			1150		00	08	63

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10 BHOSRE (Contd.)			1151		00	03	23
			Metalled Road between Gat No 1151 & Nala	}	00	02	53
			Nala between Gat No 1151, 1150, 1277 & 1278		00	08	27
			1277		00	01	83
			1278		00	07	45
			1279		00	04	69
			1285		00	03	40
			1291		00	02	10
			1293		00	01	54
			1294		00	01	87
			Stream in Gat No 1295 To 1308	}	00	04	11
			1284		00	08	23
			Stream in Gat No 1311	}	00	00	27
			1310		00	04	11
			1254		00	26	53
			Metalled Road in between Gat No 1254 & 30	}	00	00	95
			30		00	07	24
			31		00	02	92
			25		00	21	99
			69		00	13	78
			70		00	06	49
			71		00	00	90
			72		00	06	26
			67		00	09	71
			65		00	19	10

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10 BHOSRE (Contd.)			64		00	00	76
			MDR - 44 in between Gat No 64 & 146		00	04	72
			146		00	44	95
			Road in between Gat No 146 & 153		00	04	11
			153		00	03	17
			152		00	05	20
			150		00	02	39
			151		00	10	16
			154		00	23	44
			172		00	06	75
			176		00	05	31
			175		00	15	11
			174		00	18	05
			180		00	11	62
			182		00	20	67
			183		00	27	90
			185		00	04	51
Total					04	45	12
11 LONI			458		00	07	74
			457		00	16	79
			455		00	03	64
			450		00	22	49
			449		00	04	53
			448		00	06	10
			447		00	26	33
			445		00	43	26
Total					01	30	88
12 VARUD			1254		00	37	78
			1251		00	13	48
			1250		00	16	25
			1247		00	60	74
			1246		00	07	50
			1245		00	01	86
			1187		00	07	86

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
12 VARUD (Contd.)			1220		00	03	77
			1221		00	02	01
			1222		00	02	02
			1223		00	06	90
			1227		00	07	21
			1228		00	13	12
			1234		00	17	62
			1178		00	12	44
			Nala in between Gat No 1176 & 852		00	02	31
			852		00	21	11
			851		00	35	40
			840		00	22	86
			839		00	14	69
			756	A	00	14	64
			Nala in Gat No 756/A		00	02	64
			758		00	08	73
			759		00	22	25
			748		00	13	16
			747		00	03	84
			746		00	03	87
			747		00	06	51
			715		00	69	72
			718		00	18	57
			717		00	36	99
			Stream in Gat No 717		00	01	07
			723		00	57	74
			ODR in between Gat 723 & 724		00	02	32
			724		00	10	54
Total					05	79	52
13 AUNDH		21			00	15	22
		57			00	37	68
		58			00	42	37

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
13	AUNDH (Contd.)	59			00	49	15
		52			00	73	00
		60			00	18	00
		61			00	73	46
		Metalled Road in between Survey No 61 & 125			00	03	60
		125			00	58	05
		124			00	30	96
		132			00	18	96
		133			00	18	08
		134			00	18	23
		Asphalted Road in between Survey No 134 & 167			00	01	93
		167			00	34	64
		166			00	24	87
		Nala in Survey No 166			00	04	08
		137			00	08	61
		165			00	36	32
		163			00	31	89
		162			00	41	03
		184			00	01	97
		185			00	37	86
		186			00	29	10
		187			00	11	01
		188			00	09	99
		189			00	18	94
		190			00	23	10
		192			00	21	21
		193			00	12	69
		194			00	56	02
Total					08	62	02
14	KHARSHINGE		338		00	13	00
			335		00	10	93
			334		00	00	60

Tahuka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
14 KHARSHINGE (Contd.)			333		00	15	84
			332		00	22	21
			331		00	00	89
			104		00	51	92
			106		00	24	87
			119		00	06	65
			120		00	00	09
			121		00	07	62
			Metalled Road in Gat No 121		00	02	29
			122		00	02	29
			123		00	03	21
			124		00	01	83
			126		00	02	19
			125		00	09	41
			154		00	00	05
			153		00	09	11
			165		00	02	70
			152		00	00	37
			164		00	11	08
			Stream between Gat No 164 & 176		00	05	43
			178		00	00	18
			176		00	15	18
			764		00	19	10
			Metalled Road in between Gat No 764 & 776 to 799		00	05	18
			814	B	00	11	42
			817		00	08	07
			816		00	20	60
			823		00	29	67
Total					03	13	98

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
15 YELEEV			252		00	12	95
			253		00	11	07
			254		00	07	68
			255		00	11	60
			827		00	06	39
Total					00	49	69
16 PALSHI			924		00	02	68
			912		00	22	41
			921		00	09	81
			951		00	12	43
			920		00	09	32
			919		00	09	59
			870		00	03	72
			872		00	17	32
			873		00	17	38
			SH - 69 in Gat No 873		00	04	26
			874		00	02	24
			834		00	01	67
			835		00	09	42
			860		00	06	75
			861		00	13	30
			862		00	11	28
			349		00	11	14
			846		00	08	27
			847		00	15	75
			845		00	08	66
			Canal in between Gat No 845 & 844		00	08	33
			844		00	06	99
			843		00	02	48
Total					02	15	20
17 LADEGAON			33		00	00	59
			122		00	41	43
			114		00	01	78
			113		00	01	74

Taluka : KHATAV		District : SATARA		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
17 LADEGAON (Contd.)			115		00	00	05
			112		00	02	18
			107		00	02	16
			106		00	02	16
			98		00	02	96
			90		00	01	37
			89		00	02	24
			88		00	02	80
			85		00	00	11
			87		00	01	42
			86		00	03	33
			83		00	01	63
			82		00	03	68
			77		00	25	92
			75		00	01	71
			74		00	01	65
			Nala in between Gat No 74 & 149		00	06	69
			148		00	00	05
			149		00	29	17
			167		00	01	16
			160		00	00	28
			162		00	05	79
			161		00	04	51
			163		00	10	81
			164		00	06	26
			245		00	05	81
			247		00	13	43
			245		00	16	63
			Metalled Road in between Gat No 245 & 305		00	03	02
			305		00	09	39
			306		00	03	17
			304		00	09	29
			302		00	07	93
			311		00	08	28
			312		00	19	03
			333		00	02	30

Taluka : KHATAV District : SATARA State : MAHARASHTRA							
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt.
1	2	3	4	5	6	7	8
17 LADEGAON (Contd.)			332		00	00	80
			331		00	01	09
			330		00	01	80
			329		00	02	19
			312		00	01	09
			328		00	04	01
			327		00	00	04
			324		00	28	71
			323		00	11	72
			322		00	16	45
			382		00	00	63
			378		00	11	81
			389		00	00	05
			388		00	30	02
			394		00	02	35
			395		00	04	29
			396		00	08	01
			393		00	01	07
			397		00	02	64
			399		00	00	03
Total					03	92	71
18 VANJHOLI			326		00	07	14
			327		00	03	15
			328		00	06	02
			342		00	22	99
			344		00	34	69
			345		00	09	54
			346		00	16	61
			Metalled Road in between Gat No 346 & 347		00	04	02
			347		00	15	81
			348		00	29	79
			Nala in between Gat No 348 & 349		00	05	69
			349		00	68	25
			350		00	22	06
			351		00	28	90
Total					02	74	66

Muka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
19	RAHATNI		613		01	00	25
			612		00	81	45
			Asphalted Road in between Gat No 612, 651, 650 & 610		00	03	13
			610		00	06	88
			588		00	14	79
			589		00	30	10
			580		00	40	35
			590		00	23	48
			591		00	07	44
			Nala in between Gat No 591 & 580		00	05	74
			561		00	24	23
			Asphalted Road in between Gat No 579, 580 & 561		00	01	83
			565		00	00	30
			562		00	04	09
			563		00	18	00
Total					03	62	06
20	CHORADE		1410		00	12	79
			1409		00	12	81
			1399		00	10	52
			SH - 73 between Gat No 1399 & 1398		00	02	78
			1398		00	07	81
			1397	1	00	66	33
			1395		00	16	29
			1396		00	05	64
			1394		00	01	84
			1391		00	14	38
			1392		00	12	15
			1372		00	10	80
			1364		00	00	15

Taluka : KHATAV District : SATARA State : MAHARASHTRA							
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
20 CHORADE (Contd.)			1366		00	08	55
			1367		00	01	56
			1371		00	23	49
			1370		00	00	15
			1369		00	07	99
			1313	1A	00	01	25
			1313	2	00	00	05
			Nala in between Gat No 1369 & 1315		00	08	78
			1315		00	01	83
			1314		00	23	60
			970		00	10	09
			969		00	04	73
			967		00	04	47
			964		00	00	50
			963		00	02	87
			962		00	04	73
			Metalled Road in between Gat No 962 & 931		00	03	44
			931		00	42	58
			Metalled Road in Gat No 931		00	02	15
			743		00	16	09
			779		00	05	63
			767	1	00	07	99
			766		00	03	44
			763		00	06	08
			761		00	01	22
			760		00	00	34
			762		00	01	01
			759		00	03	76
			747	1	00	15	16
			747	2	00	00	94
			Nala in between Gat No 747/1 & 747/2		00	03	07
			748		00	12	71

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
20 CHORADE (Contd.)			750		00	08	33
			751		00	09	45
			754		00	06	03
			755		00	10	24
			789		00	02	81
			791		00	00	10
			795	1	00	20	93
			795	2	00	04	27
			796		00	07	34
			800		00	30	12
			705		00	07	01
Total					05	11	17

[No. R-31015/32/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 19 मई, 2005

का. आ. 1849.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री. एम. वी. चिटनिस, सक्षम प्राधिकारी, मुम्बई-पुणे पाइपलाइन विस्तार परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मेगा सेंटर, मगरपट्टा, एम व एन विंग, हादापसर-411 028, पुणे जिला, महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर	वर्ग मीटर
1	मोल		274		00	01	81
			280		00	02	74
			279		00	07	67
			278		00	05	60
			277		00	00	53
			357		00	05	83
			436		00	00	60
			433		00	00	90
			432		00	01	28
			431		00	05	01
			427		00	01	46
			428		00	01	10
			429		00	01	13
			430		00	10	20
			419		00	04	06
			414		00	01	43
			413		00	01	68
			412		00	03	18
			411		00	02	56
			410		00	03	34
			409		00	02	96
			408		00	03	93
			402		00	01	73
			401		00	02	17
			400		00	06	94
			399		00	03	52
			397		00	01	63
			396		00	02	79
			395		00	00	30
			389		00	05	69
			418		00	00	34
			417		00	00	31
			416		00	00	60
			415		00	00	30
			407		00	00	30
			403		00	00	95
			388(P)		00	07	86
			535		00	02	00
			562		00	02	09
			599		00	08	04
			614		00	02	51
कुल					01	19	07

तालूका : अटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर	वर्ग मीटर
2	डिस्कली		1302		00	19	83
			1310		00	17	17
			1311		00	00	44
			1312		00	05	99
			1314		00	06	89
			1316		00	07	16
			1318		00	04	99
			1317		00	09	09
			1319		00	27	00
			1320		00	00	30
			गट नंबर				
			1320, 1319 और				
			1321 के बीच				
			में नाला				
			1321		00	59	03
			1322		00	01	78
			1283		00	03	83
			1282		00	08	52
			1284		00	00	93
			1271		00	00	40
			1281		00	06	50
			1280		00	05	69
			1272		00	11	22
			1273		00	14	60
			1274		00	16	88
			गट नंबर 1273, 1274				
			और 1141 के बीच				
			में नाला				
			1141		00	03	31
			1145		00	03	25
			1143		00	19	42
			गट नंबर 1143 और				
			1146 के बीच का				
			मेटल्ड रोड				
			1146		00	06	64
			1147		00	08	47
			1148		00	05	73
			1149		00	06	15

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	डिस्क.त. (निरंतर)		1150		00	01	71
			1154		00	04	54
			1155		00	05	08
			1156		00	05	64
			1157		00	08	36
			1158		00	02	97
			1159		00	02	72
			1160		00	02	75
			1161		00	05	81
			1162		00	07	80
			1163		00	03	35
			1164		00	01	42
			1165		00	02	85
			1166		00	36	81
		गट नंबर 1166 और 1030 के बीच में नाला			00	02	64
			1030		00	23	76
			982		00	38	79
			993		00	09	98
			985		00	16	42
			987		00	01	24
			986		00	12	63
			995		00	06	16
			996		00	06	56
			997		00	23	81
			999		00	03	71
कुल					05	30	36
3	ललगुण		372		00	01	31
			383		00	02	56
			386		00	01	49
			411		00	00	30
			1101		00	10	17
			1100		00	08	86
			1099		00	00	30
			1102		00	21	20
			1103		00	08	05
			1075		00	04	49
			1074		00	21	40

तालूका : अटाव			जिला : सातारा		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	ललगुण (निरंतर)		गट नंबर 1074				
			में नाला		00	01	96
			1070		00	07	36
			1071		00	00	87
			1069		00	08	37
			1064		00	13	71
			1068		00	04	56
			1065		00	12	55
			1060		00	10	07
				कुल	01	39	58
4	नागनाशवाडी		315		00	27	50
			314		00	12	91
			310		00	26	13
			306		00	00	30
			307		00	18	47
			289		00	10	84
			290		00	28	53
			280	1	00	35	68
			280	2	00	18	19
			281		00	08	71
			173		00	26	63
			176		00	09	78
			179		00	27	51
			180		00	11	83
			181		00	08	95
			168		00	03	56
			151		00	22	24
			125		00	04	36
			124		00	26	42
			126		00	00	30
			128		00	33	83
				कुल	03	62	67
5	पवारवाडी		338		00	02	50
			336		00	01	80
			359		00	00	75
			396		00	06	32
			413		00	00	20
			453		00	01	95
			467		00	02	89
			533		00	01	72
			534		00	02	44
			548		00	01	51
			545		00	02	29
				कुल	00	24	37

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर	वर्ग मीटर
6					6	7	8
6	वर्धनगड		316		00	02	77
			340		00	02	57
				कुल	00	05	34
7	पुसेगाँव		1019		00	02	40
			1020		00	03	66
			985		00	02	05
				कुल	00	08	11
8	विसापुर		778		00	02	03
			787		00	01	50
			895		00	00	60
			894		00	04	95
			893		00	00	90
			892		00	03	42
			891		00	00	30
			881		00	18	17
			1112		00	02	25
			1103		00	00	96
			1134		00	01	33
				कुल	00	36	41
9	खातगुण		952		00	01	02
			946		00	01	20
			943		00	00	65
			942		00	01	05
			828		00	00	78
			829		00	02	84
			847		00	03	90
			861		00	10	70
			853		00	00	50
			855		00	00	90
			868		00	00	60
			709		00	01	93
			707		00	01	54
			705		00	03	95
			664		00	01	81
			582		00	01	82
			583		00	05	82
			580		00	10	57
				कुल	00	51	58
10	जखणगाँव		7		00	01	09
			356		00	05	19
			509		00	09	51
			513		00	03	64

तालूका : खटाध			जिला : सातारा		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
10	जखणगाव (निरतरी)		515		00	00	20
			531		00	08	91
			533		00	03	75
			730		00	03	31
			729		00	08	53
			693		00	02	30
			688		00	00	30
			702		00	13	13
			703		00	11	16
			704		00	39	27
				कुल	01	10	29
11	वडखल		112		00	01	00
			110		00	00	60
				कुल	00	01	60
12	भोसरे		1141		00	03	63
			1151		00	02	07
			1278		00	00	50
			1285		00	01	85
			1286		00	00	30
			1288		00	02	20
			1290		00	01	15
			1300		00	02	20
			1309		00	01	20
			1311		00	00	30
			1291		00	00	80
			1293		00	00	35
			1310		00	01	96
			1254		00	05	26
			31		00	02	62
			70		00	00	95
			72		00	00	65
			32		00	04	82
			151		00	02	64
			176		00	02	46
			180		00	09	65
			182		00	01	72
				कुल	00	49	28
13	लोणी		458		00	01	43
			447		00	01	08
				कुल	00	02	51
14	वरुड		1221		00	00	51
			1222		00	01	35
			1227		00	00	65
			747		00	00	52
				कुल	00	03	03

तालूका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
15	औध	137			00	01	10
		188			00	01	26
				कुल	00	02	36
16	खरशिगे		338		00	06	39
			332		00	02	41
			104		00	05	79
			122		00	00	47
			124		00	00	52
			154		00	00	30
			153		00	01	68
			165		00	06	55
			780		00	00	90
			779		00	03	75
			778		00	06	90
			785		00	01	50
			786		00	01	30
			787		00	02	50
			789		00	02	90
			794		00	04	10
			795		00	02	10
			796		00	03	65
			797		00	00	30
			798		00	01	40
			799		00	06	35
			814		00	01	01
			817		00	02	20
			823		00	02	13
				कुल	00	67	10
17	येलीव		252		00	01	71
			827		00	00	60
				कुल	00	02	31
18	पच्छी पलूरी		922		00	18	88
			951		00	01	00
			920		00	00	50
			874		00	00	67
			835		00	02	07
			862		00	00	69
			847		00	01	72
				कुल	00	25	53
19	लाडेगांव		33		00	00	30
			122		00	01	17
			114		00	01	37

तालूका : खटाव			जिला : सातारा		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
19	लाडेगाँव (निरंतर)		115		00	00	62
			116		00	00	76
			99		00	03	30
			98		00	00	30
			97		00	00	34
			91		00	00	42
			90		00	00	34
			87		00	03	37
			83		00	02	21
			78		00	00	18
			74		00	02	32
			164		00	00	54
			312		00	00	56
			323		00	04	50
			382		00	01	01
			378		00	00	88
			388		00	01	46
			394		00	02	13
			393		00	00	64
			397		00	03	61
			399		00	04	30
			कुल		00	36	63
20	वांझोली		344		00	07	01
			349		00	01	70
			351		00	01	38
			कुल		00	10	09
21	रहाटणी		561		00	03	64
			569		00	09	30
			570		00	07	30
			571		00	00	30
			562		00	54	90
			कुल		00	75	44
22	चोराडे		1408		00	02	40
			1391		00	01	79
			1393		00	01	14
			1372		00	01	18
			1364		00	00	35
			1367		00	01	72
			1369		00	00	88
			964		00	02	32
			779		00	00	50
			760		00	01	35

तालूका : खटाव			जिला : सातारा		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
22	चोराडे (निरंतर)		754		00	02	81
			755		00	01	34
			789		00	01	29
			795		00	15	79
कुल					00	34	86

[फा. सं. आर-31015/32/2004-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 19th May, 2005

S. O. 1849.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra, an extension pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri M.V.Chitnis, Competent Authority, Mumbai-Pune Pipeline Extension Project, Hindustan Petroleum Corporation Limited, Mega Center, Magarpatta - M & N Wing, Hadapsar - 411 028, Pune District, Maharashtra .

SCHEDULE

Taluka : KHATAV		District : SATARA		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	MOL		274		00	01	81
			280		00	02	74
			279		00	07	67
			278		00	05	60
			277		00	00	53
			357		00	05	83
			436		00	00	60
			433		00	00	90
			432		00	01	28
			431		00	05	01
			427		00	01	46
			428		00	01	10
			429		00	01	13
			430		00	10	20
			419		00	04	06
			414		00	01	43
			413		00	01	68
			412		00	03	18
			411		00	02	56
			410		00	03	34
			409		00	02	96
			408		00	03	93
			402		00	01	73
			401		00	02	17
			400		00	06	94
			399		00	03	52
			397		00	01	63
			396		00	02	79
			395		00	00	30
			389		00	05	69
			418		00	00	34
			417		00	00	31
			416		00	00	60
			415		00	00	30
			407		00	00	30
			403		00	00	95
			388(P)		00	07	86
			535		00	02	00
			562		00	02	09
			599		00	08	04
			614		00	02	51
Total					01	19	07

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	DISKAL		1302		00	19	83
			1310		00	17	17
			1311		00	00	44
			1312		00	05	99
			1314		00	06	89
			1316		00	07	16
			1318		00	04	99
			1317		00	09	09
			1319		00	27	00
			1320		00	00	30
			Nala in between Gat No 1320, 1319 & 1321		00	04	23
			1321		00	59	03
			1322		00	01	78
			1283		00	03	83
			1282		00	08	52
			1284		00	00	93
			1271		00	00	40
			1281		00	06	50
			1280		00	05	69
			1272		00	11	22
			1273		00	14	60
			1274		00	16	88
			Nala in between Gat No 1273, 1274 & 1141		00	03	49
			1141		00	03	31
			1145		00	03	25
			1143		00	19	42
			Metalled road in Gat No 1143 & 1146		00	03	92
			1146		00	06	64
			1147		00	08	47
			1148		00	05	73
			1149		00	06	15

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	DISKAL (Contd.)		1150		00	01	71
			1154		00	04	54
			1155		00	05	08
			1156		00	05	64
			1157		00	08	36
			1158		00	02	97
			1159		00	02	72
			1160		00	02	75
			1161		00	05	81
			1162		00	07	80
			1163		00	03	35
			1164		00	01	42
			1165		00	02	85
			1166		00	36	81
			Nala in between Gat No 1166 & 1030		00	02	64
			1030		00	23	76
			982		00	38	79
			993		00	09	98
			985		00	16	42
			987		00	01	24
			986		00	12	63
			995		00	06	16
			996		00	06	56
			997		00	23	81
			999		00	03	71
Total					05	30	36
3	LALGUN		372		00	01	31
			383		00	02	56
			386		00	01	49
			411		00	00	30
			1101		00	10	17
			1100		00	08	86
			1099		00	00	30
			1102		00	21	20
			1103		00	08	05
			1075		00	04	49
			1074		00	21	40

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3 LALGUN (Contd.)		Nala in Gat No 1074			00	01	96
			1070		00	07	36
			1071		00	00	87
			1069		00	08	37
			1064		00	13	71
			1068		00	04	56
			1065		00	12	55
			1060		00	10	07
Total					01	39	58
4 NAGNATHWADI			315		00	27	50
			314		00	12	91
			310		00	26	13
			306		00	00	30
			307		00	18	47
			289		00	10	84
			290		00	28	53
			280	1	00	35	68
			280	2	00	18	19
			281		00	08	71
			173		00	26	63
			176		00	09	78
			179		00	27	51
			180		00	11	83
			181		00	08	95
			168		00	03	56
			151		00	22	24
			125		00	04	36
			124		00	26	42
			126		00	00	30
			128		00	33	83
Total					03	62	67
5 PAWARWADI			338		00	02	50
			336		00	01	80
			359		00	00	75
			396		00	06	32
			413		00	00	20
			453		00	01	95
			467		00	02	89
			533		00	01	72
			534		00	02	44
			548		00	01	51
			545		00	02	29
Total					00	24	37

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
6	VARDHANGAD		316		00	02	77
			340		00	02	57
				Total	00	05	34
7	PUSEGAON		1019		00	02	40
			1020		00	03	66
			985		00	02	05
				Total	00	08	11
8	VISAPUR		778		00	02	03
			787		00	01	50
			895		00	00	60
			894		00	04	95
			893		00	00	90
			892		00	03	42
			891		00	00	30
			881		00	18	17
			1112		00	02	25
			1103		00	00	96
			1134		00	01	33
				Total	00	36	41
9	KHATGUN		952		00	01	02
			946		00	01	20
			943		00	00	65
			942		00	01	05
			828		00	00	78
			829		00	02	84
			847		00	03	90
			861		00	10	70
			853		00	00	50
			855		00	00	90
			868		00	00	60
			709		00	01	93
			707		00	01	54
			705		00	03	95
			664		00	01	81
			582		00	01	82
			583		00	05	82
			580		00	10	57
				Total	00	51	58
10	JAKHANGAON		7		00	01	09
			356		00	05	19
			509		00	09	51
			513		00	03	64

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10 JAKHANGAON (Contd.)			515		00	00	20
			531		00	08	91
			533		00	03	75
			730		00	03	31
			729		00	08	53
			693		00	02	30
			688		00	00	30
			702		00	13	13
			703		00	11	16
			704		00	39	27
Total					01	10	29
11 VADKHAL			112		00	01	00
			110		00	00	60
Total					00	01	60
12 BHOSRE			1141		00	03	63
			1151		00	02	07
			1278		00	00	50
			1285		00	01	85
			1286		00	00	30
			1288		00	02	20
			1290		00	01	15
			1300		00	02	20
			1309		00	01	20
			1311		00	00	30
			1291		00	00	80
			1293		00	00	35
			1310		00	01	96
			1254		00	05	26
			31		00	02	62
			70		00	00	95
			72		00	00	65
			32		00	04	82
			151		00	02	64
			176		00	02	46
			180		00	09	65
			182		00	01	72
Total					00	49	28
13 LONI			458		00	01	43
			447		00	01	08
Total					00	02	51
14 VARUD			1221		00	00	51
			1222		00	01	35
			1227		00	00	65
			747		00	00	52
Total					00	03	03
15 AUNDH			137		00	01	10
			188		00	01	26
Total					00	02	36

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
16 KHARSHINGE			338		00	06	39
			332		00	02	41
			104		00	05	79
			122		00	00	47
			124		00	00	52
			154		00	00	30
			153		00	01	68
			165		00	06	55
			780		00	00	90
			779		00	03	75
			778		00	06	90
			785		00	01	50
			786		00	01	30
			787		00	02	50
			789		00	02	90
			794		00	04	10
			795		00	02	10
			796		00	03	65
			797		00	00	30
			798		00	01	40
			799		00	06	35
			814		00	01	01
			817		00	02	20
			823		00	02	13
Total					00	67	10
17 YELEE V			252		00	01	71
			827		00	00	60
Total					00	02	31
18 PALSHI			922		00	18	88
			951		00	01	00
			920		00	00	50
			874		00	00	67
			835		00	02	07
			862		00	00	69
			847		00	01	72
Total					00	25	53
19 LADEGAON			33		00	00	30
			122		00	01	17
			114		00	01	37
			115		00	00	62
			116		00	00	76
			99		00	03	30
			98		00	00	30
			97		00	00	34

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
19 LADEGAON (Contd.)			91		00	00	42
			90		00	00	34
			87		00	03	37
			83		00	02	21
			78		00	00	18
			74		00	02	32
			164		00	00	54
			312		00	00	56
			323		00	04	50
			382		00	01	01
			378		00	00	88
			388		00	01	46
			394		00	02	13
			393		00	00	64
			397		00	03	61
			399		00	04	30
			Total		00	36	63
20 VANJHOLI			344		00	07	01
			349		00	01	70
			351		00	01	38
			Total		00	10	09
21 RAHATNI			561		00	03	64
			569		00	09	30
			570		00	07	30
			571		00	00	30
			562		00	54	90
			Total		00	75	44
22 CHORADE			1408		00	02	40
			1391		00	01	79
			1393		00	01	14
			1372		00	01	18
			1364		00	00	35
			1367		00	01	72
			1369		00	00	88
			964		00	02	32
			779		00	00	50
			760		00	01	35
			754		00	02	81
			755		00	01	34
			789		00	01	29
			795		00	15	79
			Total		00	34	86

[No. R-31015/32/2004-O.R.-4]
HARISH KUMAR, Under Secy

श्रम मंत्रालय

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 151/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/118/2003-आई. आर. (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 26th April, 2005

S.O. 1850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 151/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 26-4-2005.

[No. L-40012/118/2003-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. ID 151 of 2004

Sh. Ram Saroop Ram, Son of Shri Gautam Ram,
No. 1903, Maulijagran Complex, Post Manimajra,
Chandigarh. ... Applicant

Versus

The Chief General Manager, Telecom, Punjab
Circle, Sector 34, Chandigarh. ... Respondent

APPEARANCES

For the workman : None

For the management : Shri G. C. Babbar.

AWARD

Passed on 15-3-2005

Central Govt. vide notification No. L-40012/118/
2003/IR (DU), dated 9-3-2004 has referred the following
dispute to this Tribunal for adjudication :

"Whether the action of the management of Chief General Manager, BSNL, Chandigarh in terminating the services of Sh. Ram Saroop Ram, Son of Sh. Gautam Ram, ex. Asstt./Cable Jointer w.e.f. 27-2-1999 without complying with the provisions of the I. D. Act is just and legal ? If not to what relief the workman is entitled ?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Learned representative of the management submitted that workman appears not to be interested as workman is not appearing in the Court despite several notices and registered notice last sent has been received back with the report that addressee left without address. He submitted that in view of this position, the reference may be returned for want of prosecution. In view of the submission of the rep. of the management and the fact that the workman is not pursuing his case and also not available on the address given in the reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed File be consigned to record.

Announced

15-3-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 228/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/139/98-आई. आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 228/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 25-4-2005.

[No. L-20012/139/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****PRESENT :**

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

Reference No. 228 of 1998

PARTIES :

Employers in relation to the management of Ena
Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : Mr. S. C. Gaur,
Ld. Advocate.

On behalf of the employers : Mr. H. Nath,
Ld. Advocate.

State : Jharkhand Industry : Coal

Dated. Dhanbad, the 7th April, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/139/98-I.R. (C-1), dated the 1st December, 1998.

SCHEDULE

"Whether the action of the management in denying the employment of the dependant son of Late Kisto Bauri, Ex-Fitter Helper of Ena Colliery under para 9.4.2. of NCWA-IV is justified ? If not, to what relief the dependant son of the deceased employee is entitled to ?".

2. The case of the petitioner/workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :—

The sponsoring union submitted that Kisto Bauri was a permanent employee under the management. He died on 3-8-94 while in service and at the time of his death he was only 47 years old. They submitted that the said employee died leaving his wife and the petitioner Sagar Bawri who submitted application for his employment on compassionate ground under clause 9.4.2 of N. C. W. A.-IV after taking no objection from his mother. In support of his claim he submitted all required papers including death certificates of his father to the management of Ena Colliery on 28-6-95 and again on 25-10-96. They submitted that management regretted

employment on the ground that the ex-employee was a badli employee.

They disclosed that Kisto Bauri, ex-employee was a permanent employee and worked as a Fitter Helper upto the last date of service.

They submitted that keeping name of the ex-employee in Badli list, is an after thought, as no formality was observed by the management to show cause as per provisions of the Certified Standing Orders. Accordingly they alleged that keeping name of the ex-employee in Badli list was not only false, baseless but also ignored the decision of J. B. C. C. I. They under the circumstances raised an Industrial Dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

They accordingly, submitted prayer to pass award directing the management to provide employment to the petitioner, i.e. dependant son of Kisto Bauri on compassionate ground under clause 9.4.2 of the Certified Standing Order.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement on behalf of the petitioner/workman. They submitted that Kisto Bauri was not a permanent employee of Ena Fire Project under Kustor Area. At the time of his death, i.e. 3-8-94 he was on Badli Roll of the Company.

They submitted that Kisto Bauri was chargesheeted for committing misconduct on the ground of unauthorised absence from his duty. A domestic enquiry was held against him and he was found guilty to the charge brought against him and he was placed on Badli List on 6-9-93 by the Company. They submitted that there is no provision in the Company's Rule to provide employment to the dependent of Badli worker. Clause 9.4.2 of NCWA-IV provides employment to the dependant of the permanent employees of the Company. In view of this position they submitted that demand for employment of the dependant of Late Kisto Bauri is not legally maintainable and for which the claim of the sponsoring union is liable to be rejected.

4. POINTS TO BE DECIDED :

"Whether the action of the management is denying the employment of the dependant son of Late Kisto Bauri Ex-Fitter Helper of Ena Colliery under para 9.4.2. of NCWA-IV is justified ? If not, to what relief the dependant son of the deceased employee is entitled to ?".

5. FINDING WITH REASONS :

It transpires from the record that sponsoring union with a view to substantiate their claim examined one

witness as W. W. I. They also relied on certain documents which increase of evidence were marked as Exhibit W. 1 to W. 3.

Management also in support of their claim examined two witnesses viz. M. W. 1 and M. W. 2.

Considering the facts disclosed in the pleadings of both sides, considering evidence of the witnesses on both sides and also materials on record there is no dispute to hold that deceased workman Kisto Bauri was Fitter helper under the management. From the death certificate marked as Exhibit-W-1 there is no dispute to hold that said Kisto Bauri died in the hospital on 3-8-94 and the cause of death was due to cardio respiratory failure in a case of diarrhoea. It is admitted fact that after death of Kisto Bauri his son Sagar Bauri submitted application for his employment on compassionate ground under clause 9 : 4 : 2 of N. C. W. A. It is the contention of the sponsoring union that said Kisto Bauri was a permanent Fitter helper under the management and he died while he was very much in service. The evidence of M. W-1 also supported the claim of the sponsoring union that said Kisto Bauri was a permanent Fitter under the management. It is the specific allegation of the sponsoring union that management illegally, arbitrarily and violating the principle of natural justice refused to provide employment of the petitioner taking the plea that there is no provision to give employment to the any legal heir of the deceased who was a Badli worker at the time of his death. The document marked as Exhibit-W-3 has supported the claim of the sponsoring union is that regard.

It is the contention of the management that for committing misconduct on the ground of absence a charge sheet was issued to the concerned workman in the year 1993. As the reply to the charge sheet given by him was not satisfactory. Disciplinary Authority decided to hold domestic enquiry against him and for that reason appointed Enquiry Officer. The said Enquiry Officer thereafter conducted domestic enquiry against him in his presence and after completion of enquiry submitted report holding the concerned workmen guilty to the charges brought against him. Thereafter the Disciplinary Authority as punishment converted him as Badli worker from his original designation, i.e., Fitter helper. They submitted that as per Company's rule there is no scope to provide employment to any legal heir of the deceased who was badli worker under the management. As per clause 29 : 1 the following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on a worker for misconduct viz. :

1. Minor Penalties :—

- (a) Censure
- (b) Fine in accordance with P. W. Act, 1936;

- (c) Suspension without wages as substantive punishment for not more than 10 days at a time.

2. Major Penalties :—

- (a) Stoppage of increment;
- (b) Reduction to a lower grade or post or a stage in a time scale;
- (c) Dismissal or discharge from service :

Clause 9 : 3 : 2 of N. C. W. A. has made provision for employment to one dependent of the worker who dies while in service.

Clause 9 : 3 : 3 has pointed who are to be considered as dependent to claim employment on compassionate ground.

Sponsoring union in course of hearing relied on the service excerpts issued to the deceased worker Kisto Bauri by the management which during evidence of W. W. I was marked as exhibit W-2. From this service excerpts it is evident that petitioner Sagar Bauri was the only son of Late Kisto Bauri. As per clause 9 : 3 : 3 of N. C. W. A. he was very much eligible to claim employment on compassionate ground as per clause 9 : 3 : 2 of N. C. W. A.

It transpires that claim of the petitioner was turned down by the management taking the plea that the deceased worker was a "Badli worker" and the provision of clause 9 : 3 : 2 is not applicable in this case and for which they rightly rejected the claim of the petitioner. Their further contention is that even after imposing punishment in the year 1993 the deceased worker was very much irregular in attending his job and for which he could not put in 240 days attendance upto the date when he died. They submitted that as 240 days attendance is a pre-condition for getting back the original post and as the deceased worker failed to fulfil that condition he did not get back his original post and for which the claim of the sponsoring union for providing employment to his son could not be considered.

Considering submission of the management it has been exposed that management imposed major punishment upon the workman now deceased as per sub clause 'b' of clause 29.1(ii) of N. C. W. A. The clause is absolutely silent to the effect that a worker punished under that clause will get back his original post. On putting his attendance of 240 days in a year. Therefore, onus is on the management to establish such fact. It is seen that inspite of getting ample opportunity management have failed to produce any such provision within the four corners of Certified Standing Order and N. C. W. A. that until and unless a worker is able to prove that he has given 240 days attendance the claim for getting back his original post will not be considered. Therefore, there is

reason to believe that management by taking that plea which they have failed to establish ignored the claim of the petitioner for his employment on compassionate ground.

Again if clause 9 : 3 : 2 of N. C. W. A. is considered it will expose no such bar to reject the claim of the legal heir of the deceased taking the ground that the deceased worker was a 'badli worker'. Therefore, entire burden was on the management to establish their claim but I find no hesitation to say that excepting taking that plea that have lamentably failed to substantiate their claim.

It is admitted fact that Kisto Bauri, deceased worker was a permanent 'Fitter helper'. As for committing misconduct management by way of imposing punishment reduced him to a lower post there is no reason to hold that his right to claim as permanent worker was lost. The claim of the management is that as the said worker was a 'Badli worker', there is a bar to provide employment to his dependent on compassionate ground. Considering their submission it is clear that they have created an ambiguity in rejecting the claim of the petitioner. It is to be borne into mind that concerned workman was not a 'badli worker' by virtue of his fresh appointment. He was a permanent Fitter helper and as part of punishment for committing misconduct his designation was reduced only. Therefore, designation of 'badli worker' which that worker got as a result of punishment and the designation of 'badli worker' by virtue of fresh appointment can not be equated together.

As the designation of Kisto Bauri was reduced by order of the management he can not be treated as a Badli worker like that of a fresh appointee and should be debarred from all benefits which he so far enjoyed before imposing that punishment until and unless any such specific order was issued by the management. It is seen that management outrightly rejected the claim of the petitioner taking the plea that his father was a badli worker but failed to produce a scrap of paper to show that the said worker, i.e., Kisto Bauri shall be debarred from enjoying all the benefits as permanent worker which he accrued by way of rendering long years of service to the management. Moreover clause 9 : 3 : 2 of N. C. W. A. is absolutely silent in this regard. Therefore, on careful consideration of all the facts and circumstances discussed above I hold that knowing fully well that Kisto Bauri was a permanent staff of the management illegally, arbitrarily and violating the principle of natural justice refused to consider employment of the petitioner who happened to be the only son of Kisto Bauri on compassionate ground under clause 9 : 3 : 2 of N. C. W. A. Just taking the plea that he was a 'badli worker'. In the result the following award is rendered :—

"That the action of the management in denying employment of the dependent son of Late Kisto

Bauri, Ex-fitter helper of Ena Colliery under clause 9 : 4 : 2 of N. C. W. A.-IV was not justified.

Management is directed to provide employment to the deceased son of Kisto Bauri, i.e., Sagar Bauri on compassionate ground under clause 9 : 3 : 2 of N. C. W. A.-IV within three months from the date of publication of this award in the Gazette of India if he is not declared unfit as per employment rule of the Company.

B. BISWAS, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 88/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/14/2003-आई. आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 25-4-2005.

[No. L-20012/14/2003-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 88 of 2003

PARTIES :

Employers in relation to the management of Sirka Siding of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workman : None
 On behalf of the employers : Mr. D. K. Verma,
 Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 4th April, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/14/2003-I. R. (C-1), dated the 22nd August, 2003.

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh from the management of CCL, Sirka CHP siding to provide employment of Sri Sudama, dependent son of late Laxmania Devi, Wagon Loader is proper and justified ? If so, to what relief is the said dependent entitled ?"

2. In this reference neither the concerned workman nor his representative appeared. Management side, however, made appearance through their authorised representative. It transpires from the record that since February, 2004 no Written Statement has been filed by the concerned workman/sponsoring union. In terms of Rule 10B of the I. D. Central Rules, 1957 submission of Written by the concerned workman/sponsoring union within 15 days is mandatory one. The concerned workman/sponsoring union not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued consecutively by this Tribunal. Gesture of the parties clearly shows that they are not interested to proceed with hearing of this case any further. Hence the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 93/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/2/2002-आई. आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1853.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 25-4-2005.

[No. L-20012/2/2002-IR (C-1)]
 S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD**

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 93 of 2003

PARTIES :

Employers in relation to the management of Kuju Siding of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workman : None
 On behalf of the employers : Mr. D. K. Verma,
 Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 4th April, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/2/2002-I.R. (C-1), dated the 22nd August, 2003.

SCHEDULE

"Whether the action of the management of Kuju Siding of M/s. CC Ltd., not to regularise the workmen Shri Kiran Kumar Verma, Sri Ananth Kumar, Sri Baijnath Mahto, Shri Hasan Mia and Vijay Kr. Mahali as a Clerk Gr. II is justified ? If not, to what relief are the workmen concerned entitled and from what date ?"

2. In this reference neither the concerned workmen nor their representative appeared before this Tribunal.

Management, however, made appearance through their authorised representative. It transpires from the record that since February, 2004 no Written Statement has been filed by the concerned workmen/sponsoring union. In terms of Rule 10B of the I. D. Central Rules, 1957 submission of Written Statement by the concerned workmen/sponsoring union, within 15 days is mandatory one. The concerned workmen/sponsoring union not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued consecutively by this Tribunal. Gesture of the workmen/sponsoring union clearly shows that they are not interested to proceed with the hearing of this case any further. This Tribunal also finds no ground to adjourn the case suo moto for days together. Hence, the case is closed and accordingly, a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer.

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा. को. को. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 70/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/34/2002-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1854.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2002) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 25-4-2005.

[No. L-20012/34/2002-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 70 of 2002

PARTIES :

Employers in relation to the management of Bhowra Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. U. N. Lall, Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 4th April, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/34/2002-I.R. (C-1), dated the 28th August, 2002.

SCHEDULE

"Whether the action of the management of BCCL Bhowra Colliery in retiring Smt. Bedni Manjhian on superannuation w.e.f. 1-5-2001 is just, fair and legal ? If not, to what relief is the workman entitled ?"

2. In this reference neither the concerned workman nor her representative appeared. Management, however, made appearance through their authorised representative. It is seen from the record that since July, 2003 no Written Statement has been filed by the workman/sponsoring union. Instead of sponsoring union by filing a petition submitted prayer for interim stay order. In terms of Rule 10B of the I. D. Central Rules, 1957 submission of Written Statement by the concerned workman/sponsoring union within 15 days is mandatory one. The concerned workman/sponsoring union not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued consecutively by this Tribunal. As the sponsoring union failed to submit written statement before this Tribunal there is no scope to consider such prayer. There is also sufficient reason to believe that workman/sponsoring union is not interested to proceed with the hearing of this case. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer.

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1855.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा. को. को. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 92/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/62/2003-आई. आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1855.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 25-4-05.

[No. L-20012/62/2003-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 92 of 2003

PARTIES :

Employers in relation to the management of Sudamdih Shaft Mines of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 4th April, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/62/2003-IR (C-1), dated the 22nd August, 2003.

SCHEDULE

"Whether the management of BCCL Sudamdih Shaft Mine is justified in dismissing Sri Bhagirath Mahato from service w.e.f. 6-9-2002? If not, to what relief is the workman entitled?"

2. In this reference neither the concerned workman nor his representative appeared. None also appeared on behalf of the management. It transpires from the record that since February, 2004 no Written Statement has been filed by the workman/sponsoring union. In terms of Rule 10B of the I. D. Central Rules, 1957 submission of Written Statement by the concerned workman/sponsoring union within 15 days is a mandatory one. The concerned workman/sponsoring union not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued consecutively by this Tribunal. Gesture of the parties clearly shows that they are not interested to proceed with hearing of the instant any further. Under the circumstances, this Tribunal also finds no ground to adjourn the case *suo moto* for days together for taking steps by the parties. Hence the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer.

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1856.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 71/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/411/2000-आई. आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 25-4-05.

[No. L-20012/411/2000-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****PRESENT :**

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

Reference No. 71 of 2000

PARTIES :

Employers in relation to the management of Sijua
Area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : Shri C. M. Sharma,
Representative of the
Union

On behalf of the employer : Ld. Advocate Mr. D. K.
Verma

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 1st April, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/411/2000 (C-1), dated the 2nd March, 2001.

SCHEDULE

“Whether the management of Sijua Area M/s. BCCL is justified in denying regularisation of Shri Arun Prasad Keshari as Magazine Clerk? If not, to what relief is the concerned workman entitled and from what date?”

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman got his appointment as General Mazdoor at Kankanee Colliery. They submitted that on the basis of verbal order of the management of Kankanee Colliery the concerned workman started discharging his duties as Magazine Clerk w.e.f. 12-2-93 and in that capacity he continuously worked till 7-8-2000. They submitted that the magazine in-charge and the then Manager of the said colliery also recommended the name of the concerned workman to the higher authority for his regularisation as Magazine Clerk but instead of giving any importance to that recommendation he was reverted back on 18-7-2000 to work as General Mazdoor illegally, arbitrarily and violating the principles of natural justice.

Under the circumstances they took up the issue with the management on several occasion but to no effect and for which they raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to regularise the concerned workman as Magazine Clerk with all consequential relief.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the written submitted on behalf of the concerned workman.

They submitted that the concerned workman is an employee of Kankanee Colliery and working as General Mazdoor. They categorically denied the fact that the concerned workman ever was engaged as Magazine Clerk by order of the management. They disclosed that there is no scope of giving promotion to any worker in cadre Scheme directly from different category. Moreover they submitted that as there is a complete ban on diverting workman from the daily rated category to monthly paid clerical cadre, none of the Colliery Officer is entitled to place any workman of daily rated category to clerical grade. They submitted that as the claim of the sponsoring union is baseless an award may be passed rejecting their claim.

4. POINTS TO BE DECIDED :

“Whether the management of Sijua Area M/s. BCCL is justified in denying regularisation of Shri Arun Prasad Keshari as Magazine Clerk? If not, to what relief is the concerned workman entitled and from what date?”

5. FINDING WITH REASONS :

It transpires from record that sponsoring union with a view to substantiate their claim examined the concerned workman as W. W. I. Management also in support of their claim examined one witness as M. W. I.

Considering the materials on record and also considering evidence of both sides there is no dispute to hold that concerned workman joined at Kankanee Colliery as General Mazdoor in Category I in the year 1990.

From the evidence of this workman it transpires that Manager, Kankanee Colliery on 12-2-93 issued an order orally directing him to work as Magazine Clerk. He disclosed that on 9-2-95, he submitted representation to the management for his regularisation as Magazine Clerk but as that was not considered by them he raised an Industrial Dispute for his relief. In support of his claim in course of evidence concerned workman relied on one document, i.e., his reversion order which was marked as Ext. W-I.

On the contrary M.W. I during his evidence admitted that from 1993 to 1999 concerned workman was posted in the magazine department as General Mazdoor. He further disclosed that in the year 1992 management issued a circular prohibiting diversion of workman from one category to higher category.

Considering the evidence of W.W.I and M.W.I. I find no dispute to hold that concerned workman from 1993 to till passing of reversion order marked as Exhibit W-I was posted in the magazine Deptt. When the concerned workman claimed that in the said Deptt. he worked as Magazine Clerk the claim of the management on the contrary is that he worked there as General Mazdoor. Obviously management is at liberty to post any casual mazdoor at any place on the surface for work. There is no dispute to hold that the post of General Mazdoor comes under category I while the post of Magazine Clerk comes under Cadre post. The job of General Mazdoor while is piece rated/time rated the job of clerk is monthly rated N.C.W.A. has clearly mentioned the procedure for engagement of clerks and workmen of different categories. As per provision of N.C.W.A. there is no scope of a workman in category I to get his direct entry in clerical post which is a cadre post without facing interview or selection.

Therefore, onus absolutely rates on the sponsoring union to show that as per order of the competent authority the concerned workman was given special privilege to work as Clerk in cadre post. He has failed to produce a single scrap of paper to show that during the period from 1993 to 2000 he discharged his duties as Clerk. From the document marked as W-I there is no scope at all to arrive into consideration that the concerned workman before issuance of that order continuously discharged his duties as clerk. Excepting the document marked as Exhibit W-2 the sponsoring union have failed to produce a scrap of cogent evidence to substantiate their claim.

On the contrary management relying on the decision reposed in 2004 Supreme Court cases (L & S) 264 submitted that the claim of the sponsoring union cannot be acceded to. In the said decision their Lordship of the Hon'ble Apex Court observed :

"It is undisputed that the appellant was not promoted to the post of Public Relations Manager but only took charge and was discharging his duties on the said post. In absence of any order of promotion passed in favour of the appellant to the post of Public Relations Manager, he did not have any legal right to continue to hold the said post and not writ of mandamus therefor could be issued.

The contention of the appellant that since the appellant was promoted to E-2 grade in the year 1987, the circular dated 20-1-1993 was not applicable as the

same provided only for promotion from the non-executive cadre to the executive cadre and hence the DPC should have considered his case for promotion to E-4 grade in the year 1995 cannot be entertained at this stage for the reason that the appellant case before the High Court was that he should be promoted to E-5 grade, or in the alternative, his services be regularised therein."

N.C.W.A. has clearly pointed out how promotion in clerical grade will be considered. The concerned workman has claimed his regularisation in clerical grade taking the plea that by order of the management he performed duties of magazine clerk continuously from 1993 till his reversion. Apart from the observation made above it is clear that management did not issue any order of promotion to the concerned workman to work as Magazine Clerk which comes under clerical cadre. Accordingly in view of the observation made by the Hon'ble Apex Court. There is no scope to uphold the contention of the sponsoring union to issue order of regularisation in favour of the concerned workman.

In the result the following award is rendered :

"That the management of Sijua Area of M/s. BCCL is justified in denying regularisation of Sri Arun Prasad Keshari as Magazine Clerk. Consequently, he is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 47/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2005 को प्राप्त हुआ था।

[सं. एल-20012/447/2000-आई. आर. (सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April. 2005

S.O. 1857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 25-4-2005.

[No. L-20012/447/2000-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, DHANBAD**

In the matter of a reference under Sec. 10(1)(d)(2A) of
the Industrial Disputes Act, 1947

Reference No. 47/2001

PARTIES :

Employers in relation to the management of
Bastacolla Colliery of Bastacolla Area of
M/s. BCCL.

AND

Their Workman

PRESENT :

Shri B. Biswas, Presiding Officer

APPEARANCES :

On behalf of the employers : Shri U. N. Lal,
Ld. Advocate

On behalf of the workman : Shri U. P. Sinha,
Ld. Advocate.

State : Jharkhand Industry : Coal

Dated, the 1st April, 2005

AWARD

By Order No. L-20012/447/2000 (C-I) dated 19th February, 2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. BCCL in denying the designation of Drillman to the workman Sri Yugal Hansda, Chandmari Section of Bastacolla Colliery under Bastacolla Area is justified and legal ? If not, to what relief is the workman entitled and from what date ?”.

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was initially appointed as piece rated Loader at Chandmari Section of Basta Colliery. However, in the year 1980 he was engaged to work as Drillman in time rated category and put in category IV of time rated scale as per job nomenclature decided by J.B.C.C.I.

They submitted that as per practice followed by the management, a piece rated workman is regularised in time rated category workman on his working in Time rated jobs for three years.

They submitted that since 1980 the concerned workman was engaged by the competent authority of the colliery to work as Drillman and in that capacity continuously he discharged his duties in the substantive post of Drillman for more than three years and for which he was entitled to be regularised in time rated category in the year 1984 and was entitled to be designated as Drillman in category IV right from 1984.

They disclosed that inspite of giving several representations before the management they neither designated him as Drillman nor paid him the wages for the Drillman. As such the concerned workman through sponsoring union raised Industrial Dispute before ALC(C) Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to designate the concerned workman as Drillman in category IV with all consequential benefit from March 1984.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that initially the concerned workman got his appointment as Miner Loader. His name was in the list for conversion/regularisation from piece rated to time rated job as Drill Helper in Category-II. The consent for the above conversion and acceptance of the wage on conversion to TR Category was asked for from the workman concerned for obtaining approval from the competent authority. The concerned workman did not submit the same in time. However, on pursuation he submitted his consent to accept the wage of Drillman vide his application dated 19-8-98 i.e. of the higher category and not of Drill Helper.

They submitted that the workman concerned is doing the job of Driller Helper and not as Drillman which is higher post in Category-IV. As the concerned workman was in piece rated category option was given to him for his consent whether he was willing to come under Time rated Category II. Until and unless the concerned workman is converted to Time rated category II there is no scope to avail the post of Time rate category IV. Accordingly, they submitted that the claim of the sponsoring union to regularise the concerned workman in Time Rated Category IV is not just, fair, and proper and for which the concerned workman is not entitled to get any relief.

4. POINTS TO BE DECIDED :

“Whether the action of the management of M/s. BCCL in denying the designation of Drillman to the workman Sri Yugal Hansda, Chandmari Section of Bastacolla Colliery under Bastacolla Area is justified and legal ? If not, to what relief is the workman entitled and from what date ?”

5. FINDING WITH REASONS :

It transpires from the record that the sponsoring union inspite of getting opportunity did not consider necessary to adduce evidence. As the sponsoring union did not adduce any evidence management also declined to adduce any evidence.

Accordingly, considering the pleadings of both sides and also considering ALC(C) record let it be considered if the claim of the sponsoring union as per reference stands on cogent footing or not.

Considering the facts disclosed in the pleadings of both sides there is no dispute to hold that initially the concerned workmen got his appointment as Miner/Loader under the management. It is the contention of the sponsoring union that in the year 1980 management engaged the concerned workman as Drillman under time rated category and in that capacity continuously for more than three years he discharged his duties as Drillman. Accordingly as per provision he was entitled to get his regularisation as Drillman in time rated Category IV from 1984. They alleged that inspite of submitting several representations management refused to regularise him as Drillman in Category IV.

On the contrary contention of the management is that the name of the concerned workman was listed along with other workman for his regularisation as time rated Drill Helper in Category II from piece rated category and for that reason opportunity was given to him to give him option with a view to obtain approval from the competent authority to regularise him as Drill Helper in time rated Category II. They submitted that inspite of option sought for the concerned workman did not give any such option. They further submitted that his regularisation as Drillman in Category IV would be considered on his conversion from piece rated to time rated job.

From the ALC(C) record it transpires that *vide* letter No. BCC/PS-17/81/1658 dt. 15-12-81 the concerned workman was asked to submit his written consent within 48 hours of the receipt of the letter failing which his designation could not be changed and he will be reverted back to his original job.

Again *vide* letter dt. 21-3-84, as per ALC(C) record, it transpires that the competent authority approved the list of Minor/Loader and requested Dy. C. M. E., G. O. C. P. to enroll them in time rate after taking consent from

each of them as suggested earlier. The name of the concerned workman was also included in the list. Again *vide* letter No. 1281 dt. 14/16-5-98, as per ALC(C) Record, Project Officer Bastacolla Colliery it transpires that the concerned workman was regularised as Drill Helper *vide* letter No. BCC/9/6-A/84/C-1/10815 dated 23-3-84.

It is the contention of the management that as the concerned workman did not give his consent in writing his regularisation as Drill Helper in time rated Category II was held up. But the letter which has been referred to above is exposed that he was regularised as Drill Helper in time rated Category II by order dated 23-3-84. Therefore, it can be presumed that the said order as referred to above was issued after giving consent by the concerned workman in writing.

The claim of the sponsoring union is that the concerned workman started discharging his duty as Drillman since 1980 being engaged by the management. However, to substantiate this claim the sponsoring union inspite of getting opportunity have failed to produce a single scrap of paper. Accordingly in absence of any cogent proof in support of such claim I find no scope to uphold such contention particularly when the provision as laid down in N. C. W. A. has clearly pointed out the promotional policy relating to regularisation of Drillman. It is admitted fact that the concerned workman got his appointment as piece rated Miner/Loader. Considering material papers submitted by the management before ALC(C) in course of hearing of conciliation matter it has been exposed clearly that he was engaged as Drill Helper and not Drillman. States of Drill Helper and Drillman are not same. From the ALC(C) record I have failed to find out any paper in support of the concerned workman to show that actually he was engaged as Drillman and not Drill Helper. Therefore, the claim of the sponsoring union that the concerned workman being engaged by the management started discharging his duties since 1980 as Drillman finds no basis at all.

However, considering the papers submitted by the management which have been discussed to above shows clearly that he was regularised as Drill Helper since 1984. It was the contention of the management that after regularisation of concerned workman as Drill Helper in time rated Category II his regularisation as Drillman in Category IV will be considered. It is clear from the letter BCCL/BA/BC/P-1/98/1281 dt. 14/16-5-98 that the concerned workman got his regularisation as Drill Helper *vide* letter BCC/9/6-A/84/C-1/10815 dt. 23-3-84. Therefore as per contention of the management his regularisation as Drillman in Category IV will be considered after 1984. It is seen that after 1984 inspite of rendering continuous service as Drill Helper in Category II management did not consider his promotion in the post of Drillman in Category IV. On the contrary

they killed time by raising different plea at different time. From ALC(C) record I have failed to find out any such material ingredient which could be considered as disqualification on the part of the concerned workman to get his regularisation in the post of Drillman in Category IV after 1984. Accordingly, there is sufficient reason to believe that management exposed their discrimination in ignoring his legitimate claim for promotion as Drillman in Category IV on fulfilment of condition as per provision of N. C. W. A. after getting his regularisation as Drill Helper in 1984.

In the result the following award is rendered :

“That the action of the management of M/s. BCCL in denying the designation of Drillman to the workman Sri Yugal Hansda, Chandmari Section of Bastacolla Colliery under Bastacolla Area was not justified and legal.

Management accordingly is directed to regularise the concerned workman as Drillman with effect from the date since fulfilment of the condition as provided in N.C.W.A. after his regularisation as Drill Helper in time rated Category II, in 1984 within three months from the date of publication of award in the Gazette of India.”

B. BISWAS, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 326/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/241/2001-आई. आर. (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th April, 2005

S.O. 1858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 326/2001) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 26-4-2005.

[No. L-40012/241/2001-IR (DU)]
KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I. D. 326 of 2001

Sh. Dileep Ram son of Shri Ram Darbar, Karsan Colony, Phase-II, H. No. 233, Chandigarh.

... Applicant

Versus

The Principal General Manager, Telecom, Telephone Department, Sector 18-A, Chandigarh.

... Respondent

APPEARANCES :

For the workman : None

For the management : Shri G. C. Babbar.

AWARD

Passed on 15-3-2005

Central Government *vide* notification No. L-40012/241/2001/IR (DU) dated 06-11-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Department of Telecom, Chandigarh in terminating the services of Sh. Dileep Ram son of Sh. Shankar Ram w.e.f. 27-2-1999 is just and legal ? If not, to what relief the workman is entitled ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman. Learned representative for the management submitted that workman appears not to be interested as workman is not appearing in the Court despite several notices and registered notice last sent has been received back with the report that addressee left without address. He submitted that in view of this position, the reference may be returned for want of prosecution. In view of the submission of the rep. of the management and the fact that the workman is not pursuing his case and also not available on the address given in the reference, the present reference is returned to the Central Government for want of prosecution. Central Government be informed. File be consigned to record.

Announced.
15-3-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1859.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 155/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/126/2003-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th April, 2005

S.O. 1859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 155/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workmen, which was received by the Central Government on 26-4-2005

[No. L-40012/126/2003-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

CASE No. I.D. 155 OF 2004

Sh. Bhupinder Singh.
Son of Shri Sadhu Singh.
Village Chilla, PO Manauli, Teh. Mohali,
District Ropar . . . Applicant

Versus

The Chief General Manager,
Telecom, Punjab Circle,
Sector 34, Chandigarh. . . Respondent

APPEARANCES :

For the workman : None
For the management : Shri G.C. Babbar,

AWARD

Passed on 15-3-2005

Central Govt. vide Notification No. L-40012/126/2003/IR (DU) dated 09-03-2004 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Chief General Manager, BSNL, Chandigarh in terminating the services of Sh. Bhupinder Singh Ex. Peon w.e.f. 27-2-1999 without complying with the provisions of the I.D. Act is just and legal ? If not, to what relief the workman is entitled ?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Learned

representative for the management submitted that workman appears not to be interested as workman is not appearing in the Court despite several notices and despite his noting the date on the last date of hearing and not filing the claim statement and also not appearing. He submitted that in view of this position, the reference may be returned for want of prosecution. In view of the submission of the rep. of the management and the fact that the workman is not pursuing his case and also not appeared and filed any claim statement, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Announced RAJESH KUMAR, Presiding Officer
15-3-2005

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 322/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/239/2001-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th April, 2005

S.O. 1860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 322/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workmen, which was received by the Central Government on 26-4-2005

[No. L-40012/239/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

CASE No. I.D. 322 OF 2001

Sh. Sakaldeep Ram,
Son of Shri Ram Parvesh Ram,
Plot No. 705, Delux Steel Furniture,
Phase-II, Industrial Area,
Chandigarh. . . Applicant

Versus

The Principal General Manager,
Telecom, Telephone Department,
Sector 18-A, Chandigarh. . . Respondent

APPEARANCES :

For the workman : None
 For the management : Shri G.C. Babbar,

AWARD

Passed on 15-3-2005

Central Govt. vide Notification No. L-40012/239/2001/IR (DU) dated 06-11-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Department of Telecom, Chandigarh in terminating the services of Sh. Sakaldeep Ram son of Sh. Ram Parvesh Ram w.e.f. 27-2-1999 is just and legal ? If not, to what relief the workman is entitled ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman. Learned representative for the management submitted that workman appears not to be interested as workman is not appearing in the Court despite several notices and registered notice last sent has been received back with the report that addressee left without address. He submitted that in view of this position, the reference may be returned for want of prosecution. In view of the submission of the rep. of the management and the fact that the workman is not pursuing his case and also not available on the address given in the reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Announced RAJESH KUMAR, Presiding Officer
 15-3-2005

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 150/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/127/2003-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th April, 2005

S.O. 1861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 150/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Deptt. of Telecom. and their workmen, which was received by the Central Government on 26-4-2005

[No. L-40012/127/2003-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
 OFFICER, CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL-CUM-LABOUR
 COURT-1, CHANDIGARH**

CASE No. I.D. 150 OF 2004

Suman Kumar,
 Son of Shri Charan Singh,
 Ex-Sarpanch, House No. 175,
 Village Palsora,
 U.T. Chandigarh. . . Applicant

Versus

The Chief General Manager,
 Telecom, Punjab Circle,
 Sector 34, Chandigarh. . . Respondent

APPEARANCES :

For the workman : None
 For the management : Shri G.C. Babbar,

AWARD

Passed on 15-3-2005

Central Govt. vide Notification No. L-40012/127/2003/IR (DU) dated 9-3-2004 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Department of Telecom, Chandigarh in terminating the services of Shri Suman Kumar, Ex. Clerk w.e.f. 27-2-1999 without complying with the provisions of I.D. Act is just and legal ? If not, to what relief the workman is entitled to ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman despite repeated notices. The regd. Ad notice sent received back with the report that workman is not residing on the address given in the reference. In view of the above, since there is no other address available with this office, therefore, there is no option with this office to return the reference for want of prosecution. Ordered accordingly, Central Govt. be informed. File be consigned to record.

Announced RAJESH KUMAR, Presiding Officer
 15-3-2005

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, भीलवाड़ा के पंचाट (संदर्भ संख्या —) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/122/96-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th April, 2005

S.O. 1862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhilwara as shown in the Annexure in the industrial dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 26-4-2005.

[No. L-40012/122/96-IR (DU)]
KULDIP RAI VERMA, Desk Officer

अनुबंध**श्रम न्यायालय, भीलवाड़ा (राज.)**

पीठासीन अधिकारी,
एम. एल. शर्मा—प्रथम, आर. एच. जे. एस.

श्रम विवाद प्रकरण संख्या : 12/98

श्री श्याम लाल,
पुत्र श्री बाबू लाल शास्त्री,
निवासी—ग्राम सुवाणा,
तहसील एवं जिला—भीलवाड़ा

... आवेदक

बनाम

निरीक्षक, डाकघर,
पूर्व उपखंड, भीलवाड़ा

... अनावेदक

उपस्थित

श्री ए.के. व्यास, अधिवक्ता : आवेदक की ओर से

श्री के. सी कास्ट, अधिवक्ता : अनावेदक की ओर से

पंचाट

दिनांक 31-12-04

1. भारत सरकार के श्रम मंत्रालय द्वारा आदेश दिनांक 10-3-98 के तहत औद्योगिक विवाद अधि. 1947 (तत्पश्चात् अधि. 1947 से सम्बोधित) की धारा 10(1)(ग) के तहत निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया :

“क्या श्री श्याम लाल ई.डी. को प्रबंधकपक्ष निरीक्षक, डाकघर पूर्व उपखंड—भीलवाड़ा के द्वारा दिनांक 31-1-96 को सेवा से पृथक किया जाना उचित एवं वैध है? यदि नहीं, तो कर्मकार किस राहत का अधिकारी है?”

2. उपर्युक्तानुसार विवाद दिनांक 30-3-98 को प्राप्त होने पर क्रम संख्या 12/98 पर दर्ज हुआ तथा पक्षकारान को सूचित किया गया।

3. दिनांक 8-10-98 को प्रस्तुत स्टेटमेंट आफ क्लेम के मुताबिक आवेदक ने अनावेदक के अधीन बतौर ई.डी. दिनांक 20-1-95 से 31-1-96 तक निरंतर कार्य किया। आवेदक की कार्यावधि एक कलेंडर वर्ष में 240 दिन से अधिक है। दिनांक 31-1-1996 को बिना कोई कारण बताये आवेदक को अवैध रूप से सेवा से पृथक कर दिया। आवेदक ने निवेदन किया कि उसे समस्त लाभ सहित सेवा में पुनः नियोजित किया जाये।

4. दिनांक 18-2-1999 को प्रस्तुत जवाब में उल्लेख किया गया कि आवेदक को किसी नियमित पद पर कोई नियुक्ति नहीं दी गई। कमलकिशोर अमरवाल सांगानेर ई.डी.एम.सी. के पद पर कार्यरत थे तथा ई.डी.पी.एम., सांगानेर गबन प्रकरण में लिप्त होने के कारण कमलकिशोर, ई.डी.एम.सी., सांगानेर को ई.डी.एस.पी.एम., सांगानेर के पद पर कार्य करने की अनुमति अधीक्षक, डाकघर द्वारा गबन प्रकरण का निस्तारण होने तक दी गई थी। श्री श्याम लाल शर्मा ने एफ.बी. ऐजेन्ट सेवा और आचरण नियमावली, 1964 के नियम 5 के अंतर्गत कमल किशोर की जोखिम एवं जिम्मेवारी पर बतौर ऐवजी दिनांक 20-1-1995 से 31-1-1996 तक कार्य किया। आवेदक ने पूर्ण रूप से अस्थायी नियुक्ति के बतौर कार्य किया तथा नियुक्ति में यह स्पष्ट उल्लेख था कि पद पद उसका कोई अधिकार नहीं होगा। आवेदक के मामले में अधि. 1947 के तहत प्रावधान प्रभावी नहीं है। आवेदक कर्मकार की तारीफ में नहीं आता तथा वह कोई राहत पाने का अधिकारी नहीं है। अनावेदक ने निवेदन किया कि आवेदक की तरफ से प्रस्तुत स्टेटमेंट ऑफ क्लेम खारिज किया जाये।

5. क्लेम के समर्थन में ओम प्रकाश, बंधु लाल व स्वयं आवेदक के शपथपत्र पेश हुए। उनसे अनावेदक की तरफ से जिरह हुई। जवाब के समर्थन में सत्यदेव शर्मा, निरीक्षक, डाकघर, पूर्व—भीलवाड़ा का शपथ पत्र पेश हुआ। उससे आवेदक की तरफ से जिरह हुई।

6. बहस अंतिम उभयपक्ष सुनी। आवेदक की तरफ से लिखित बहस भी पेश हुई।

7. आवेदक की तरफ से जाहिर किया गया कि अनावेदक ने आवेदक की कार्यावधि 20-1-1995 से 31-1-1996 तक होना स्वीकार किया है तथा पत्रावली पर उपलब्ध साक्ष्य से भी यह सिद्ध है कि आवेदक ने इस अवधि में एक्स्ट्रा डिपार्टमेंटल मेल केरियर के पद पर निरंतर कार्य किया। आवेदक को रिक्त पद पर नियुक्ति दी गई थी तथा उसकी कार्यावधि एक कलेंडर वर्ष में 240 दिन से अधिक होने की स्थिति में उसे अधि. 1947 के तहत लाभ देय है। आवेदक को अधि. 1947 की धारा 25(एफ) में निहित प्रावधान के उल्लंघन में सेवा से पृथक किया गया। आवेदक को सेवा से पृथक किये जाने के पश्चात् नई नियुक्ति के वक्त आवेदक को कोई अवसर नहीं दिया गया। आवेदक का मामला अधि. 1947 की परिधि में है तथा इस तरह का मामला केन्द्रीय प्रशासनिक अधिकरण की अधिकारिता में नहीं आता। अनावेदक विभाग अधि. 1947 की धारा 2(जे) के तहत उद्योग की तारीफ में आता है। योग्य वकील आवेदक के मतानुसार आवेदक समस्त लाभ सहित सेवा में पुनः नियोजन का अधिकारी है समर्थन में न्यायिक विनिश्चय रामू लाल बनाम सहायक अभियंता, पी. डब्ल्यू. डी.,

उपखंड-सीकर एवं अन्य आर. एल. आर. 1989(i) पेज 1, हिमाचल प्रदेश एग्रो इंडस्ट्रीज कार्पोरेशन बनाम राज कुमार एवं अन्य 1001-II-एल. एल. जे. (एच. पी.) पेज 861 व जनरल मैनेजर, टेलीकोम बनाम श्री निवास राव एस. एवं अन्य 1998 (I) एल. एल. जे. (एस.सी.) पेज 255 पेश किये।

8. अनावेदक की तरफ से जाहिर किया गया कि अनावेदक उद्योग की तारीफ में नहीं आता तथा न ही आवेदक अधि. 1947 के तहत कर्मकार की तारीफ में आता है, अतः यह मामला अधि. 1947 की परिधि के बाहर है। आवेदक को अन्य कर्मचारी की एवज में उसकी जिम्मेदारी व जोखिम पर अस्थायी तौर पर नियोजित किया गया था—जिस स्थिति में उसे नियोजन के संबंध में कोई अधिकार प्राप्त नहीं होता। आवेदक का मामला संबंधित नियमों से शासित है तथा इस न्यायालय को इस तरह के मामले की सुनवाई की अधिकारिता नहीं है। समर्थन में न्यायिक विनिश्चय सब डिवीजनल इंस्पेक्टर ऑफ पोस्ट बनाम थैयाम जोसेफ ए. आई. आर. 1996 (एस. सी.) पेज 1271 पेश किया।

9. यह सही है कि न्यायिक विनिश्चय सब डिवीजनल इंस्पेक्टर ऑफ पोस्ट बनाम थैयाम जोसेफ ए.आई.आर. 1996 (एस.सी.) पेज 1271 में माननीय उच्च न्यायालय द्वारा यह अभिनिर्धारित किया गया था कि जन-साधारण को दूर संचार सेवाएं प्रदान करना राज्य का एक सार्वभौम कर्तव्य है—परिणामतः डाक व दूर संचार विभाग अधि. 1947 की धारा 2(जे) के तहत उद्योग की तारीफ में नहीं आता एवं न ही उस विभाग के कर्मचारीगण अधि. 1947 के तहत कामगार की तारीफ में आते हैं, लेकिन न्यायिक विनिश्चय जनरल मैनेजर, टेलीकोम बनाम श्रीनिवास राव एस. एवं अन्य 1998(I) एल.एल.जे. पेज 255 में माननीय उच्चतम न्यायालय की पूर्णपीठ ने न्यायिक विनिश्चय बेंगलोर वाटर सप्लाई एवं सिवरेज बोर्ड बनाम ए. राजप्पा 1978(I) एल.एल.जे. पेज 349 (एस.सी.) का उल्लेख करते हुए यह अभिनिर्धारित किया कि केन्द्र सरकार का दूर संचार विभाग अधि. 1947 की धारा 2(जे) के तहत उद्योग है तथा इस संबंध में न्यायिक विनिश्चय सब डिवीजनल इंस्पेक्टर ऑफ पोस्ट बनाम थैयाम जोसेफ 1996(II) एल.एल.जे. पेज 230 (एस.सी.) में प्रतिपादित विधि सही नहीं है। उल्लेखनीय है कि यह अभिनिर्धारण बेंगलोर वाटर सप्लाई एंड सिवरेज बोर्ड बनाम ए. राजप्पा 1978(I) एल.एल.जे. पेज 349 में माननीय उच्चतम न्यायालय की सात सदस्यीय पीठ द्वारा प्रदत्त निर्णय पर आधारित है तथा इस अभिनिर्धारण के परिपेक्ष्य में विधि की यह स्थिति स्पष्ट है कि अनावेदक विभाग अधि. 1947 की धारा 2(जे) के तहत उद्योग की तारीफ में आता है।

10. अनावेदक की तरफ से प्रस्तुत जवाब के पैरा सं. एक में यह स्वीकार किया गया है कि आवेदक ने दिनांक 20-1-1995 से 31-1-1996 तक कार्य किया, लेकिन जवाब के मुताबिक आवेदक ने यह कार्य एफ. वी. एजेन्ट सेवा और आचरण नियमावली, 1964 के नियम-5 के तहत कमल किशोर ई.डी.एम.सी., सांगानेर के एवज में उसकी जोखिम व जिम्मेदारी पर अस्थायी तौर पर किया—जिस संबंध

में उसे कोई अधिकार प्राप्त नहीं होता। अनावेदक गवाह सत्यदेव शर्मा ने भी जिरह में कहा है कि “हमारे विभाग के रिकार्ड से 20-1-1995 से प्रार्थी ने 30-6-1995 तक बतौर आउट साईडर एवजी व्यवस्था पर कार्य किया था। फिर 1-7-1995 से 31-1-1996 तक अस्थायी व्यवस्था के तौर पर कार्य करने की अनुमति दी गई। यह सही है कि प्रार्थी ने निरंतर एक कलेंडर वर्ष में 240 दिन से अधिक काम किया था।” इस तरह से यह तो स्वीकृत स्थिति है कि आवेदक ने अनावेदक के अधीन दिनांक 20-1-1995 से 31-1-1996 तक कार्य किया, लेकिन प्रश्न यह है कि क्या यह कार्यावधि अधि. 1947 की धारा 25(बी) के तहत आशयित निरंतर सेवा की तारीफ में आती है एवं क्या आवेदक को सेवा से पृथक किया जाना अधि. 1947 की धारा 2(ओओ) के तहत छंटनी की तारीफ में आता है।

11. आवेदक को अनावेदक के अधीन किसी पद पर नियमित नियुक्ति दिये जाने बाबत पत्रावली पर कोई आधार नहीं है। स्वयं आवेदक ने जिरह में कहा है कि “मुझे कोई नियुक्ति पत्र सीधी भती बाबत नहीं मिला।” आवेदक ने जिरह में यह बतलाया है कि “यह गलत है कि मैं किसी को एवज में काम करता था बल्कि खाली पद पर कार्य करता था” लेकिन उसने यह भी कहा है कि “पोस्ट खाली होने का कारण गबन होना था, गबनकर्ता गोपाल लाल था” तथा “कमल किशोर अमरवाल वहां काम करता था। यह सही है कि मुझे उसकी जगह लगाया था। प्रदर्श एम.1 में उल्लेखित दिनों में काम किया वो सही है मुझे अमरवाल की जगह लगाया जिसके बाबत प्रदर्श एम. 2 सही है।” आवेदक के इस कथन से स्पष्ट है कि आवेदक को कमल किशोर अमरवाल के स्थान पर उसकी एवज में नियोजित किया गया था। आवेदक ने अनावेदक की तरफ से प्रस्तुत दस्तावेजात प्रदर्श एम. 1 व एम. 2 सही होना स्वीकार्य किया है। प्रदर्श एम. 1 निरीक्षक, डाकघर द्वारा जारी आदेश दिनांक 27-6-1995 की प्रति है, जो इस तरह से है :

“श्री कमल किशोर अमरवाल, ईडीएमसी, सांगानेर लेखा कार्यालय भीलवाड़ा एचओ को तारीख 20-1-1995 से 31-5-1995 तक कुल 132 दिन का बिना भत्तों का अवकाश स्वीकृत किया जाता है।

उक्त अवधि में श्री श्याम लाल शर्मा रिक्त पद पर अनुपस्थित कर्मचारी की जिम्मेदारी पर कार्य करेंगे।

इनको भत्तों का भुगतान तदनुसार किया जावे।

अनुपस्थित कर्मचारी ने तारीख 20-1-1995 से 31-5-1995 तक आउटसाईडर ईडीएसपीएम, सांगानेर के पद पर कार्य किया यदि वे उक्त आउटसाईडर के रूप में कार्य नहीं करते तो अपने मूल पर ही कार्य करते। अतः उन्हें उक्त अवधि का एक्स ग्रेसिया बोनस देय है।”

प्रदर्श एम. 2 कमल किशोर अमरवाल, ई.डी.एम.सी. द्वारा प्रस्तुत दरखास्त की प्रति है जो इस तरह से है :

App-45

APPLICATION FOR LEAVE BY EXTRA-DEPARTMENTAL AGENTS

Name of the Extra Departmental Agent : कमल किशोर अमरवाल
 Designation : इ. डी. एम. सी.
 Allowance : 420
 Period for which leave required : 1-6-1995 से 30-6-1995
 Date from which leave required :
 Full address while on leave : पी. ओ. सांगानेर, जिला भीलवाड़ा
 Name, age and other particulars of the substitute : श्याम लाल शर्मा, 23 वर्ष
 Specimen signature of the substitute : श्याम लाल शर्मा

1. I hereby declare that my substitute Shri _____ whose particulars are given above will work on my responsibility during my absence on leave according to the terms of security bond executed by me. A charge report signed by myself and my nominee will be submitted as prescribed in Rules 45 and 66—Rule 67 of Rules for Branch-Offices P.&T. Manual Vol.IV.

2. The allowance for the responsibility.

Station Manager 5-8-95

Sd/-
Kamal Kishore

इस दरखास्त से संबंधित आदेश दिनांक 12-8-95 की प्रति प्रदर्श 2 है जो इस तरह से है :

“श्री कमल-किशोर अमरवाल, ईडीएमसी सांगानेर लेखा कार्यालय सुवाणा को तारीख 1-6-95 से 30-8-95 तक कुल 30 दिन का बिना भत्तों का अवकाश स्वीकृत किया जाता है।

उक्त अवधि में श्री श्याम लाल शर्मा रिक्त पद पर अनुपस्थित कर्मचारी की जिम्मेदारी पर कार्य करेंगे।

इनके भत्तों का भुगतान तदनुसार किया जावे।

अनुपस्थित कर्मचारी ने तारीख 1-6-95 से 30-6-95 तक इडीएसपीएम सांगानेर के पद पर कार्य किया। यदि वे उक्त आऊटसाईडर के रूप में कार्य नहीं करते तो अपने मूल पद पर ही कार्य करते। अतः उन्हें उक्त अवधि का एक्सग्रेसिया बोनस देय है।”

इस परिप्रेक्ष्य में अधीक्षक, डाकघर, भीलवाड़ा द्वारा जारी आदेश दिनांक 4-1-96 की प्रति भी उल्लेखनीय है जिसके तहत गोपाल लाल टेलर के विरुद्ध अनुशासनात्मक कार्यवाही सम्पन्न होने तक कमल किशोर अमरवाल को ईडीएसपीएम, सांगानेर के पद पर अस्थायी तौर पर एक्सट्रा डिपार्टमेंटल एजेंट (कंडक्ट एंड सर्विस) रूल्स, 1964 के

तहत नियोजन की व्यवस्था की गई। इसी परिप्रेक्ष्य में निरीक्षक डाकघर द्वारा जारी आदेश दिनांक 8-1-96 की प्रति प्रदर्श 1 भी उल्लेखनीय है। यह आदेश इस तरह से है :

Memo No PF/EDMC/Scmgana/95 dt. 8-1-96.

Where as Shri Kamal Kisore Amarwal EDMC Sanganer has been provisionally appointed as EDMC Sanganer vide Deptt. of Post Office Bhilwara Dn. Bhilwara Memo no. A-70 dated 4-1-96. As such the need arises to engage a person to look office of the work of EDMC Sanganer as such the undersigned has deeded to make a provisional appointment to the said post.

Shri Shyam Lal Sharma is hereby given provisional appointment at the post of EDMC Sanganer w.e.f. 1-7-95 to 31-1-96. Shri Shyam Lal Sharma should clearly understood that his provisional appointment to the post of EDMC Sanganer will be ceased after 31-1-96. These orders are being issued to arrange the payment due to Shri Shyam Lal Sharma w.e.f. 1-7-95 to 31-1-96.

The Inspector of Post Offices (E) Bhilwara reserves the right to terminate the provisional appointment at any time before the period mentioned in para 2 above without reason

Sd/-

इस आदेश की प्रति आवेदक श्याम लाल को भी को दिये जाने का उल्लेख है। इन आदेशों से स्पष्ट होता है कि आवेदक को शुरू में दिनांक 20-1-95 से 31-5-95 तथा 1-6-95 से 30-6-95 तक कमल किशोर ईडीएमसी, सांगानेर का अवकाश स्वीकृत होने पर उसकी एवज में उसकी जिम्मेदारी पर अस्थायी तौर पर नियोजित किया गया था तथा बाद में कमल किशोर अमरवाल अस्थायी तौर पर ईडीएमसी, सांगानेर के पद पर (गोपाल लाल टेलर के विरुद्ध अनुशासनात्मक कार्यवाही सम्पन्न होने तक) नियुक्त होने पर आवेदक को उसके स्थान पर 1-7-95 से 31-1-96 तक अस्थायी तौर पर ईडीएमसी, सांगानेर के पद पर नियोजित किया गया। संबंधित आदेश प्रदर्श 1 दिनांक 8-1-96 में इस आशय का स्पष्ट उल्लेख है कि यह नियोजन दिनांक 31-1-96 को समाप्त हो जायेगा। उल्लेखनीय है कि आवेदक का यह नियोजन एक्सट्रा डिपार्टमेंटल एजेंट (कंडक्ट एंड सर्विस) रूल्स, 1964 के तहत किया गया तथा इन नियमों के नियम 6 के मुताबिक आवेदक एक माह के वेतन के बराबर वेतन राशि प्राप्त करने का अधिकारी हो सकता है, लेकिन आवेदक की नियोजन अवधि दिनांक 31-1-96 को समाप्त होने की स्थिति में उसे पुनः नियोजित नहीं करना या पूर्व संविदा की अवधि नहीं बढ़ाया जाना मेरी राय में अधि. 1947 की धारा 2 (ओओ) (बीबी) में निहित प्रावधान के मुताबिक छंटनी की तारीफ में नहीं आता। यह प्रावधान इस तरह से है :

“retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by the way of disciplinary action but does not include :

(b) retirement of the workman on reaching the age of superannuation if the contract of

employment between the employer and the workman concerned contains a stipulation in that behalf, or

- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein;

न्यायिक विनिश्चय हिमांशु कुमार विद्यार्थी बनाम बिहार राज्य ए.आई.आर. 1997 (एस.सी.) पेज 3657 में भी माननीय उच्चतम न्यायालय ने अभिनिर्धारित किया कि आवश्यकता के आधार पर नियोजित दैनिक वेतनभोगी श्रमिकगण को सेवा से पृथक किया जाता छंटनी की तारीफ में नहीं आता। इसी तरह न्यायिक विनिश्चय हरियाणा स्टेट एफ.सी.सी.डब्ल्यू. बनाम राम निवास ए.आई.आर. 2002 (एस.सी.) पेज 2495 में भी माननीय उच्चतम न्यायालय द्वारा निर्णीत किया गया कि विशेष उद्देश्य एवं अवधि विशेष के लिए नियोजित श्रमिकगण का नियोजन उद्देश्य समाप्त होने पर समाप्त हो जाता है तथा इस तरह का मामला अधि. 1947 की धारा 2(ओओ) के तहत छंटनी की तारीफ में नहीं आता। मामले की इन परिस्थितियों में आवेदक की कुल कार्यावधि 240 दिन या अधिक होने की स्थिति में भी मेरी राय में आवेदक को अधि. 1947 की धारा 25 एफ व एच के तहत कोई लाभ देय नहीं है क्योंकि आवेदक का मामला अधि. 1947 की धारा 2(ओओ) के तहत छंटनी की तारीफ में नहीं आता। इस संबंध में आवेदक की तरफ से प्रस्तुत न्यायिक विनिश्चय रामू लाल बनाम सहायक अभियंता, पी.डब्ल्यू.डी., उपखंड-सीकर आर.एल.आर. 1979 (1) पेज 1 तथ्यों की विभिन्नता की वजह से आवेदक को सहायक होना प्रतीत नहीं होता तथा न.ही संविधान के अनुच्छेद 21 के तहत कोई हिदायत जारी करने की अधिकारिता इस न्यायालय को प्राप्त है। आवेदक की तरफ से प्रस्तुत अन्य न्यायिक विनिश्चय हिमाचल प्रदेश एग्री इंडस्ट्रीज कॉर्पोरेशन बनाम राज कुमार एवं अन्य 1001-II-एल.एल.जे. (एच.पी.) पेज 861 में माननीय उच्च न्यायालय की खंडपीठ द्वारा अभिनिर्धारित किया गया था कि अधि. 1947 की धारा 25 एफ व जी से संबंधित मामले की सुनवाई की अधिकारिता औद्योगिक अधिकरण को है जिससे असहमति का प्रश्न ही नहीं है, लेकिन विचाराधीन मामले में आवेदक का मामला अधि. 1947 की धारा 2 (ओओ) के तहत छंटनी की तारीफ में नहीं आने की स्थिति में आवेदक को इस अधि. की धारा 25 एफ व एच के तहत कोई लाभ देय होना नहीं कहा जा सकता।

12. केन्द्र सरकार द्वारा प्रेषित विवाद निम्न तरह से निर्णीत किया जाता है :

श्री श्याम लाल ई.डी. को प्रबंधकपक्ष निरीक्षक, डाकघर पूर्व उपखंड-भीलवाड़ा के द्वारा दिनांक 31-1-96 को सेवा से पृथक किया जाना उचित एवं वैध है। कर्मकार किसी राहत का अधिकारी नहीं है।

उपर्युक्तानुसार पंचाट जारी किया जाता है।

पंचाट आज दिनांक 31-12-04 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

एम.एल. शर्मा-प्रथम, न्यायाधीश

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भीलवाड़ा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-40012/99/2001-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th April, 2005

S.O. 1863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhilwara now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Deptt. of Post and their workmen, which was received by the Central Government on 26-4-05

[No. L-40012/99/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

श्रम न्यायालय, भीलवाड़ा (रजि.)

एल-40012/99/2001-आई.आर. (डी.यू.)

पीठासीन अधिकारी,

एम. एल. शर्मा-प्रथम, आर. एच. जे. एस.,

श्रम विवाद प्रकरण संख्या : 171/01

श्री रफीक खान पटान

पुत्र श्री कमरुद्दीन पटान,

निवासी-बनेड़ा,

जिला-भीलवाड़ा (राज.)

... आवेदक

बनाम

अधीक्षक, पोस्ट आफिस,

भीलवाड़ा डिवीजन, भीलवाड़ा।

... अनावेदक

उपस्थित

आवेदक स्वयं।

श्री बी.एस. राठौड़, प्रतिनिधि : अनावेदक की ओर से

पंचाट

दिनांक 31-12-04

1. भारत सरकार के श्रम मंत्रालय द्वारा आदेश दिनांक 28-6-01 के तहत औद्योगिक विवाद अधि. 1947 (तत्पश्चात् अधि. 1947 से सम्बंधित) की धारा 10(1)(ग) के तहत निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया :

"Whether the action of the Suptd. Post Office, Bhilwara, Division Bhilwara in terminating the

service of Sh. Rafeeq Khan Pathan S/o Sh. Kamruddin Pathan w.e.f. 2-2-2000 is legal and justified ? if not what relief the workman concern is entitled to ?

2. उपर्युक्तानुसार विवाद दिनांक 1-8-01 को प्राप्त होने पर क्रम संख्या 171/01 पर दर्ज हुआ तथा गक्षाकारान को सूचित किया गया।

3. दिनांक 31-8-01 को प्रस्तुत स्टेटमेंट आफ क्लेम के मुताबिक आवेदक ने अनावेदक के अधीन वायरमेन के पद पर आऊट साईडर के रूप में दिनांक 2-2-98 से 2-2-2000 तक निरंतर कार्य किया। उसकी कार्यावधि प्रत्येक कलेंडर वर्ष में 240 दिन से अधिक रही। दिनांक 2-2-2000 को बिना कोई कारण बताये आवेदक को सेवा से पृथक कर दिया गया। अधि. 1947 के तहत आज्ञापक प्रावधान की पालना नहीं की गई। आवेदक की सेवा से पृथक किये जाने के पश्चात् दिनांक 7-2-2000 को 3 व्यक्तियों को नियुक्ति प्रदान की गई। आवेदक सेवा पृथक्करण के वक्त से पूर्ण रूप से बेरोजगार है। आवेदक ने निवेदन किया कि उसे समस्त लाभ सहित सेवा में पुनः नियोजित किया जाये।

4. दिनांक 23-10-01 को प्रस्तुत जवाब में उल्लेख किया गया कि आवेदक ने दिनांक 10-2-98 से 23-10-98 तक आऊट साईडर वायरमेन के पद पर कार्य किया। उसने दिनांक 10-11-98 से 14-6-99 तक ई.डी.एम.सी. लेबर कोलोनी के पद पर नियमित कर्मचारी के अवकाश के दौरान उसकी जिम्मेदारी पर एवजी के बतौर कार्य किया। दिनांक 25-6-99 से 29-6-99 तक ग्रुप 'द' भीलवाड़ा कोर्ट पद पर नियमित कर्मचारी के अवकाश के दौरान आऊट साईडर के रूप में कार्य किया तथा दिनांक 5-7-99 से 7-2-2000 तक ईडीबीपीएम, बालेसरिया (रायला गांव) से पूर्व कर्मचारी की मृत्यु होने पर काम चलाऊ व्यवस्था के तहत कार्य किया। आवेदक को किसी पद पर नियुक्ति नहीं दी गई तथा उसने अंशकालीन तौर पर अलग-अलग अवधि में कार्य किया।

5. क्लेम के समर्थन में आवेदक का शपथपत्र पेश हुआ। उससे अनावेदक की तरफ से जिरह हुई। जवाब के समर्थन में अनावेदक की तरफ से कोई मौखिक सदस्य पेश नहीं हुई।

6. बहस अंतिम उभयपक्ष सुनी। उभयपक्ष की तरफ से लिखित बहस भी पेश हुई। पत्रावली का ध्यानपूर्वक अवलोकन किया।

7. आवेदक की तरफ से जाहिर किया गया कि आवेदक ने दिनांक 2-2-98 से 2-2-2000 तक वायरमेन के पद पर अनावेदक के अधीन निरंतर कार्य किया उपर्युक्तानुसार कार्यावधि अधि. 1947 की धारा 25 (बी) के तहत निरंतर सेवा की तारीफ में आती है। आवेदक को अधि. 1947 की धारा 25 (एफ) में निहित प्रावधान के न्यायाधीश से पृथक किया गया। आवेदक को सेवा से पृथक दिये न्यायालय, भीलवाड़ा। व्यक्तियों को नियुक्ति दी गई जिससे अधि. 1947 (एच) के तहत पंचाट आज दिनांक 31-12-04 को खुले न्यायानय में लिख दिया सुनाया गया। उल्लंघन हुआ आवेदक के कथानुसार वह समस्त लाभ सहित सेवा में पुनः नियोजन का अधिकारी

है। समर्थन में न्यायिक विनिश्चय प्रभु दयाल जाट बनाम अलवर सहकारी बैंक लि. औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय भीलवाड़ा एफ.एल.आर. 1989 पेज 9 व हरदेव लाल वर्मा अलवर सीकरी। भूमि विकास बैंक लि. एफ.एल.आर. 1990(61) पेज 254 पेश किये।

8. अनावेदक की तरफ से जाहिर किया गया कि आवेदक को कोई नियमित नियुक्ति नहीं दी गई थी तथा उसने अलग-अलग समय में अस्थायी तौर पर कार्य किया। जिस संबंध में उसे कोई अधिकार प्राप्त नहीं होता। अनावेदक विभाग उद्योग नहीं है तथा न ही आवेदक कर्मकार की तारीफ में आता है।

9. आवेदक के कथानानुसार उसने दिनांक 2-2-98 से 2-2-2000 तक अनावेदक के अधीन कार्य किया तथा केन्द्र सरकार से रेफरेन्स भी इस आशय का प्राप्त हुआ है कि क्या आवेदक को दिनांक 2-2-2000 से सेवा से पृथक किया जाना उचित एवं वैध है, लेकिन अनावेदक की तरफ से पेश किये गये जवाब दिनांक 23-10-01 में इस आशय का स्पष्ट उल्लेख है कि आवेदक ने दिनांक 7-2-2000 तक अलग अलग अवधि में कार्य किया। इस जवाब के मुताबिक "दिनांक 10-2-98 से 23-10-98 तक आऊटसाईडर वायरमेन पद पर बिजली व्यवस्था ठीक करने हेतु लगाया गया था तथा दिनांक 10-11-98 से 14-6-99 तक ईडीएमसी लेबर कालोनी पद पर नियमित कर्मचारी के बीमारी के अवकाश के दौरान उनकी जिम्मेदारी पर एवजी बतौर कार्य किया। दिनांक 25-6-99 से 29-6-99 तक ग्रुप "द" भीलवाड़ा कोर्ट पद पर नियमित कर्मचारी के अवकाश के दौरान अवकाश अवधि के दौरान आऊट साईडर के रूप में कार्य किया तथा दिनांक 5-7-99 से 7-2-2000 तक ईडीबीपीएम, बालेसरिया (रायला गांव) से पूर्व कर्मचारी की मृत्यु पर तुरंत एवं काम चलाऊ व्यवस्था के रूप में लगाया गया।" इस जवाब में पैरावाइज टिप्पणी के क्रम संख्या एक (चार) पर भी उल्लेख है कि आवेदक ने दिनांक 5-7-99 से 7-2-2000 तक काम चलाऊ व्यवस्था के रूप में कार्य किया। आवेदक ने जिरह में कहा है कि "मैंने दिनांक 2-2-98 से 2-2-2000 तक हेड पोस्ट आफिस में कार्य किया" लेकिन उसी की तरफ से दिनांक 29-1-02 को प्रस्तुत दरखास्त बाबत तलब दिये जाने अभिलेख के पैरा सं. दो में हवाला है कि "इसके अलावा ता. 10-11-98 से ता. 14-6-99 तक अविभागीय डांक वाहक लेबर कालोनी, भीलवाड़ा में तैनात कर्मचारी के एवज में प्रार्थी द्वारा कार्य निष्पादित दिया गया उसका कार्यालय आदेश तथा ता. 25-6-99 से 28-6-99 तक ग्रुप "द" भीलवाड़ा कोर्ट में नियमित कर्मचारी के अवकाश अवधि में किये गये कार्यों का आदेश एवं ता. 5-7-99 से ता. 7-2-2000 तक ग्राम बालेसरिया में शाखा पोस्ट मास्टर के पद पर कार्य किया उस बाबत आदेश दिया गया।" इस तरह से जब आवेदक ने दिनांक 7-2-2000 तक कार्य किया तो उसे दिनांक 2-2-2000 से सेवा से पृथक किये जाने बाबत कथन सही नहीं हो सकता। अधि. 1947 की धारा 10(4) में निहित प्रावधान के मुताबिक न्यायालय का निर्णय विवाद बिन्दू तक सीमित होता है। माननीय राज. उच्च न्यायालय द्वारा दिनांक 11-11-99 को निर्णित एकलपीठ दीवानी रिट याचिका संख्या 4219/99 सुरेश चन्द्र नाई बनाम राज. राज्य व अन्य में यह अभिनिर्धारित किया गया है कि न्यायालय विवाद बिन्दू की सीमा के बाहर नहीं जा

सकता। एकलपीठ दीवानी रिट याचिका संख्या 616/02 में भी माननीय राज. उच्च न्यायालय, जोधपुर ने दिनांक 19-2-02 को न्यायिक विनिश्चय होचीफ गोमान बनाम औद्योगिक न्यायाधिकरण, भुवनेश्वर ए.आई. आर. 1964 (एस.सी.) पेज 1746, पोटर मजदूर पंचायत बनाम परफेक्ट पोर्ट्री कं. ए.आई.आर. 1979 (एस.सी.) पेज 1356 का हवाला देते हुए अभिनिर्धारित किया कि श्रम न्यायालय रेफरेन्स की शर्त से बाहर नहीं जा सकता। यद्यपि न्यायिक विनिश्चय मै. बक्शी स्टील बनाम राज. राज्य आर.एल.आर. 2004(1) पेज 755 में माननीय राज. उच्च न्यायालय, जयपुर पीठ द्वारा यह अभिनिर्धारित किया गया है कि लिपिकीय त्रुटि अधिकरण द्वारा दुरुस्त की जा सकती है, लेकिन विचाराधीन मामले में रेफरेन्स में अंकित तिथि लिपिकीय त्रुटि प्रतीत नहीं होती।

10. केन्द्र सरकार द्वारा प्रेषित विवाद निम्न तरह से निर्णित किया जाता है :—

“Termination of the service of Sh. Rafeeq Khan Pathan w.e.f. 2-2-2000 by the action of the Supdt. Post Office, Bhilwara Division-Bhilwara is not proved.”

उपर्युक्तानुसार पंचाट जारी किया जाता है।

पंचाट आज दिनांक 31-12-04 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

एम.एल. शर्मा, प्रथम-न्यायाधीश

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सी. आई. आर. बी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक अधिकरण विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-1, चंडीगढ़ (संदर्भ संख्या 215/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-42012/72/2002-आई. आर. (सीएम-II)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 215/2002) of the Central Govt. Indus. Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Central Institute for Research on Buffaloes, and their workman, received by the Central Government on 26-4-2005.

[No. L-42012/72/2002-IR (CM-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

CASE No. I.D. 215 of 2002

Sh. Dinesh Kumar,
S/o Shri Inder Singh,
C/o Sh. Darshan Singh, 371/9,
Jawahar Nagar,
Hissar.

... Applicant

Versus

The Director,
Central Institute for
Research on Buffaloes,
Sirsa Road,
Hissar.

... Respondent

APPEARANCES

For the workman : None

For the management : Shri R.K. Sharma

AWARD

Passed on 30-3-2005

Central Govt. vide notification No. L-42012/72/2002/IR (CM-II) dated 30-10-2002 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Dinesh a daily wage Chowkidar w.e.f. 28-3-98 is legal and justified ? If not, to what relief the workman is entitled ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman. Awaited up to 4 PM. Learned counsel for the management Shri R.K. Sharma submitted that Court notice was issued to the workman for today through registered A.D. post. But registered envelop and AD not received back and it can be presumed that workman is well served. He is also well served by the competent authority of the Ministry of Labour who sent this reference to this Court as well copy to the workman and other parties. Learned counsel for the management submitted that workman appears not to be interested and not appearing in the Court and also not filed the claim statement.

3. In view of the above submission, it is quite clear that workman is not appearing despite service of court notice issued and no claim statement has been filed he is fairly placed in employment and not interested to persue with the present reference. In view of the above, the present reference is returned for want of prosecution. Central Govt. be informed. File be consigned to record.

Announced
30-3-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1865.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नम्बर-1, चण्डीगढ़ (संदर्भ संख्या 183/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-22012/169/1999-आई. आर. (सी. एम.-II)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 183/99) of the Central Government Industrial Tribunal No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 26-4-2005.

[No. L-22012/169/1999-IR(CM-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I. D. 183/99

Bakshish Singh, Village Chhina, Bidi Chand, The
Tarntarn, Amritsar (Punjab) ... Applicant

Versus

The District Manager, Food Corporation of India,
86, Rani Ka Bagh, Amritsar, Punjab.

... Respondent

APPEARANCES :

For the workman : Shri Hardial Singh

For the management : Shri Santokh Singh

AWARD

Passed on 30-3-2005

Central Govt. vide notification no. L-22012(169)/99/IR(CM-II) dated 30/31st of August, 1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of FCI in terminating the services of Shri Bakshish Singh, sweeper is legal and justified ? If not, to what relief the workman concerned is entitled ?”

2. Briefly stated, the claim of the workman as per his claim statement is that he was appointed by the FCI as sweeper on March 1990 at FCI Depot Bhikhiwind District Amritsar on daily wage basis. As he was paid less but was signing as per DC rates against which he objected and he was victimized. The workman approached the Hon'ble High Court for regularization and Hon'ble High Court gave directions to consider the recommendation of the workman for regularization and to decide the same within two months. The management did not consider his representation favourably and management did not allow him to join duties on 20-9-97, his services were terminated on 20-9-97 in illegal, arbitrary manner and against the provisions of the I. D. Act, 1947. No retrenchment compensation was given and no notice was also given. The termination is also bad as junior persons were working at the time of termination and even new appointments have been made.

3. The respondent management filed the written statement wherein they denied the allegations and averred the services of the said workman was arranged from the open market by the Transport contractor to do the work of sweeping on casual basis as and when required, they also denied that workman was employed by the FCI. The workman was never appointed by the management, therefore, there was no question of termination of his services. His services were taken through the Transport Contractor as and when required and he was paid for the days he worked at D. C. rates. There was no violation of any provisions of the I. D. Act. The management also denied that work of sweeper is of a permanent nature.

4. Workman filed replication controverting the averments made by the management in written statement and reaffirmed the contents made in the claim statement.

5. In this case in brief claim of the workman based on the basis that he was appointed as a sweeper on daily wage basis in March 1990 and this work was of a permanent nature. On the other hand it is the case of the management that the workman was never employed by the FCI and the services of the workman was arranged from the open market by the transport contractor to do the work of sweeper on casual basis and hence there was no question of any termination or any relation between the workman and the management.

6. In this case workman Bakshish Singh filed his own affidavit in evidence and management filed affidavit in evidence of one Daljit Singh. The statement of the workman also recorded on oath and the statement for the management was also recorded of MW1 Daljit Singh son of Jai Mal Singh joint manager (vigilance) FCI. Thereafter after recording the evidence of Daljit Singh, the management desired to move further evidence and was then also filed affidavit of one Premjit Singh Assistant Manager (D) and examined him as MW2.

7. Workman in his evidence has supported/corroborated his version as mentioned in the claim statement/affidavit. In cross-examination he stated that he was not given any appointment letter by the FCI but he was in continuous service of the management since 1990. He was not employed through any contractor but he was employed by the FCI. His attendance was also marked by the FCI and he was paid @ Rs. 97 per day as daily wages as per DC rates. He also denied the suggestion that he was ever appointed by the contractor and FCI by contractor. He also denied that he received full and final wages from the contractor.

8. On the other hand MW1 first witness of the management stated in his cross-examination that he read the affidavit of the petitioner i.e. Ex. W1. FCI does not recruit sweeper through contractor although the labour engaged through contractor, the payment is to be made to the contractor. Employees of the FCI are paid salary by the FCI as per scales. As regard the question whether FCI had paid wages to the petitioner for the period 1990 to 1997 this witness MW1 replied, "the petitioner was paid for the period Feb. 1996 to August 1996 by the FCI since the workman has refused to receive the pay through contractor." MW2 the second witness examined for the management in his cross examination on oath that the job of sweeper is of a permanent nature and the appointment is made by the District Manager. We give salary to only permanent employees. it is correct that letter dated 8-4-99 was issued by the office which is marked A and it is correct that FCI calls the tenders to appoint contractor. we have not mentioned the name of the contractor in the affidavit. A person who work through contractor is paid through contractor.

9. I have heard the arguments advanced by the learned counsel for the workman Shri H. S. Hundal and of the management by Shri Santokh Singh. Learned counsel for the workman in arguments submitted that in this case a very serious point is involved and that is whether the workman was working with the FCI as an employee of the FCI or as a workman engaged by the transport contractor of the FCI. In evidence on oath the workman deposed that he worked continuously since 1990 till 1996 and his attendance used to be marked by the FCI officer Shri Swarn Singh AG-I. He submitted that in case workman was employed through contractor, the management should have revealed the name of the contractor and should have produced documents on record about the engagement of the contractor by FCI and further engaging the workman for FCI. The management is a government body and governed by the rules and regulations and statutory provisions. He submitted that the management should have produced on record the attendance register whether the workman was working since 1990 till his termination to prove that he was not working as FCI employee and his name does not exist in

the attendance register. Further MW1 Daljit Singh had specifically stated on oath that FCI does not recruit sweeper through contractor. He also submitted that MW2 also stated on oath in cross-examination, who was examined to fill the lacuna; that the job of a sweeper in the office where workman was working is of a permanent nature. He also submitted that person who work as a contractor man is paid through contractor. The management did not pay to the workman directly. No record has been produced that working petitioner was the person engaged by the contractor whose name was not given or disclosed in pleading nor in evidence in court. The workman worked for such a long time and also completed 240 days, it is not denied. He completed all the formalities and continued his service, as the job of a sweeper is of a permanent nature. His services cannot be terminated without any show cause notice or without complying the provisions of Section 25F of the I. D. Act, 1947.

10. He submitted that as per management's evidence/management's witness, management cannot appoint a workman, or engage services of any workman through contractor. Being a statutory body governed by statutory rules, regulation and law, he submitted that the management when engaged a contractor for engaging services of a workman, for such a long period, there is nothing to prove it on record. The record favouring the workman was not produced by the management. He while summing up his arguments submitted that the workman is poor person having education up to 8th class and was working as a sweeper and his services were illegally terminated by the management without giving any show cause notice or without following the provisions of the I. D. Act, 1947. The workman also completed more than 240 days of service and it is not the case of the management that his services were not required or that he was appointed on a seasonal or temporary basis which was created for a short period of six months and one year. He submitted that workman has proved its case that the management terminated his services on 20-9-97 illegally, arbitrary and against the provisions of the I. D. Act and the termination is bad as no retrenchment compensation was paid and no notice was given in view of the provisions of Section 25 of the I. D. Act. It is also submitted that some junior persons, new persons were appointed against the right of the workman to be appointed first. No enquiry was conducted before his termination. The workman has successfully proved that he was not the employee of transport contractor as allegedly averred by the management in this case. On the other hand, the management also badly failed to prove its case that the workman was not the employee of the FCI and that management engaged a contractor to further engage a sweeper on contract for the management. MW1 has also deposed on oath in the court that the job of a sweeper is of a permanent nature and the management is not recruiting

sweeper through contractor. It also stated on oath by the witness of the management "that FCI calls the tenders to appoint contractor. We have not mentioned the name of the contractor in affidavit." Workman's advocate also referred to 2004 Lab. I.C. page 4387 the judgment of Hon'ble Punjab & Haryana High Court Division Bench in Haryana Financial Corporation Vs. Presiding Officer Labour Court and Industrial Tribunal and another. He submitted that workman has proved his claim and reference may be answered in his favour.

11. On the other hand the management in reply to the arguments of the workman submitted that the management never paid the workman directly and they made the payment for his work through contractor. He also referred to the statement of MW1 and MW2 who supports management. Learned counsel for the management submitted that the service of the workman was engaged through a contractor and he was never paid directly he also submitted that workman himself admitted that he was not given any appointment order which clearly proves that the workman was appointed by a contractor on daily wage basis and was paid for the days he worked. He also referred to 201(ii) L.L.J. 1087 a judgment of Hon'ble Supreme Court in a favour of the management i.e. Steel Authority of India Ltd. He also submitted that even after abolition of the contract Labour system, the management is not bound to take the employees of the contractor in their regular service and they shall not be deemed to be the employee of the management corporation.

12. In reply, learned counsel for the workman submitted that the plea taken by the learned counsel for the management is not disputed. An employee of the contractor shall not be taken as a matter of right in the service of the management or the establishment as deemed to be taken. But herein this case is the stand of the workman that he was never engaged by any contractor for the management. He was engaged by the management as a casual daily wager and he was paid since 1990. Hence the law referred by the management is not applicable. Management has also concealed the best evidence certainly which was in possession of management and it is not the case that the said evidence is destroyed. when the case of the management is that workman is an employee of the contractor and contractor was employed by the management. So it was incumbent upon the management to produce and prove the above said record.

13. In view of the above submissions of learned counsel for the parties and my perusal of oral evidence, I found that the workman stand is that he was appointed by the FCI itself and stand of the management is that there is no relationship of employer and employee and he was a man of contractor and never terminated the services of the workman. I have gone through the entire evidence.

The management has produced two witnesses as MW1 and MW2 whereas the workman appeared himself as WW1. I have found that as per workman the evidence of MW1 & MW2 supported the case of the workman. MW1 has deposed that FCI does not recruit sweeper through contractor. This is very important that senior official of the management say that FCI does not recruit sweeper through contractor. Entire stand of the management goes that they engaged the services of the workman through contractor because the management is not a shop of a private person. It is a statutory body which runs with rules and regulations. MW2 also supported the case of the workman that job of sweeper is permanent in nature. Further FCI calls tender to appoint contractor. He also admits that name of contractor is not given in affidavit. It is also admitted by the learned counsel for the management that name of the contractor is not given in pleadings. I have found that when FCI as per rules and regulations as admitted by MW1 does not recruit sweeper through contractor and job of sweeper is of permanent nature, how the services of the workman came into existence with the FCI. MW2 also deposed that FCI calls tenders to appoint contractor but the management failed to produce any evidence to show that there was a contractor duly appointed by them and contractor was asked to arrange for the sweeper in the FCI. Another point is that FCI does not recruit sweeper through contractor as deposed by MW1 on oath in the court. Further I have found that there is no evidence brought on record by the management that workman was a man of contractor and the result is that he was working as a daily wager sweeper in FCI and continued from 1990 till his termination of service in 1997 for such a long period. No evidence was produced by the management that he was a contractor man and working in the FCI as sweeper as a man of contractor only and only a irresistible conclusion one can reach is that workman was the employee of the FCI as engaged by the management on daily wages at D.C. rates. The management badly failed to prove that at the request of FCI an unknown contractor arranged the services of the workman for FCI and the FCI made payments to the contractor. In the presence of evidence that FCI does not recruit sweeper through contractor as deposed by the witnesses of the management.

14. In view of the above evidence on record of MW1 and MW2 and that of evidence of the workman himself as WW1 on oath that he was appointed by the FCI on daily wages and paid D.C. rates. I am of the considered view that workman was an employee of the FCI working on daily wage basis and being paid at D.C. rates. Further in this case management stand is that they never terminated the services of the workman and question does not arise as he was not their employee and he was employed by the contractor not proved by the management but there is no evidence of the management that he worked

after the alleged date i.e. 20-9-97 and he did not work actually in the FCI in view of the statement of the workman which is quite reliable, I am of the considered view that as per workman's claim, his services were terminated by the management on 19-9-97 and he was not allowed to work from 20-9-97 is correct.

15. Therefore, action of the management of FCI in terminating the services of Bakshish Singh, Sweeper from 20-9-97 is not legal and justified as he was not allowed to join duty w.e.f. 20-9-97 and thereafter.

16. In view of my above decision, action of the management is unjust and not legal as no compliance of Section 25 is made, as a result the workman succeeds and the reference is answered in favour of the workman and against the management holding that the action of the management of FCI in terminating the services of the workman is not legal and justified.

17. As regard relief to which the workman is entitled, learned counsel for the workman has requested that as the workman was working against the permanent vacancy, he may be reinstated as daily wager at D.C. rates with continuity of service and with full backwages as per D.C. rates. I have found that in this case that workman is totally silent on the point that he was not gainfully employed during the relevant period. Therefore, the ends of justice will be met if he is allowed 50% of the backwages as he has no where pleaded in his case that he remained unemployed and was not gainfully employed during all these years from 20-9-97. Therefore, the workman is ordered to be reinstated as daily wager in service with 50% of backwages at D.C. rates till 30-3-2005 with continuity of service. The reference is answered accordingly. Central Govt. be informed.

Chandigarh
30-3-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2005

का. आ. 1866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आर. पी. एफ. सी. प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नम्बर-1, चण्डीगढ़ (संदर्भ संख्या 38/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-42012/148/2002-आई. आर. (सीएम-II)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th April, 2005

S.O. 1866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2003)

of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the management of Regional Provident Fund Commissioner and their workmen, received by the Central Government on 26-4-2005.

[No. L-42012/148/2002-IR(CM-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I.D. 38 of 2003

Sh. Prem Chand, S/o Sh. Mohar Singh, House No. 987, Ram Darbar, Phase-I, Chandigarh.

... Applicant

Versus

The Regional Provident Fund Commissioner, Pb. & UT Region, SCO No. 4-7, Sector-17, Chandigarh.

... Respondent

APPEARANCES :

For the workman : None

For the management : Shri Subhash Singhal

AWARD

Passed on 21-3-2005

Central Govt. vide notification No. L-42012/148/2002/IR(CM-II) dated 13-2-2003 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Regional Provident Fund Commissioner, Chandigarh in terminating the services of Sh. Prem Chand Ex-Sweeper is legal and justified? If not, to what relief the workman is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Learned representative for the management submitted that workman appears not to be interested as workman is not appearing in the Court despite several notices and no claim statement has been filed in the Court. He submitted that in view of this position, the reference may be returned for want of prosecution. In view of the submission of the rep. of the management and the fact that the workman is not pursuing his case, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Announced
21-3-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 192/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-12012/57/1997-आई. आर. (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 192/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh No. 1 as shown in the Annexure, in the Industrial Dispute between the management of Indian Bank and their workmen, received by the Central Government on 26-4-2005.

[No. L-12012/57/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

PRESENT :

Shri Rajesh Kumar, Presiding Officer

Case No. I. D. 192/97

Smt. Maya Devi wife of Ram Parshad, resident of
Mohallather Noharia Gate, Sirsa (Haryana).
... Applicant

Versus

The Regional Manager, Indian Bank, Regional
Office, SCO No. 189, Sector 7-C, Chandigarh.
... Respondent

APPEARANCES :

For the workman : Shri R. P. Rana

For the management : Shri H. C. Gupta

AWARD

Passed on 17-3-05

Central Government vide Notification No. L-12012/
57/97-IR (B-II) dated 7th of November, 1997 has referred
the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Indian
Bank in terminating the services of Smt. Maya Devi

Part Time Sweeper w.e.f. 18-12-1995 is just and
legal ? If not, to what relief is the workman entitled
to ?”

2. Workman filed claim statement submitting that she was in employment of Indian Bank as part time workman at its Sirsa Branch w.e.f. 19-1-1995 continuously and her appointment was against a permanent vacancy. That the bank after completing all the formalities considered the petitioner fit for appointment as sweeper in the said branch and no appointment letter was given to the applicant but the appointment was in the award staff cadre as part time workman and she worked sincerely and diligently and there was no complaint against her service conditions of the workman are governed under the provisions laid down in the Bipartite settlement/Industrial Disputes Act. That in terms of Award/Bipartite Settlement Industrial Disputes Act, no workman can be terminated from service without following the correct procedure in accordance with the provisions of the I. D. Act. Workman prayed that as the management has wrongly terminated her service without any solid reason, the workman is entitled to the reinstatement with continuity of service with full back wages with all consequential benefits from the date of termination i.e. 18-12-1995 at branch office Sirsa of Indian Bank.

3. Learned counsel for the workman also submitted that the workman was appointed through employment exchange when her name was sponsored with other candidates and she was selected by the bank.

4. Management filed written statement and denied the allegations but stated in Para 1 that the bank opened its branch in Sirsa on 21-1-1995 and it had to make appointment to the post of part time sweeper in the said branch and a requisition was sent for sponsoring the names of eligible candidates. Employment Exchange then sent the names of various persons including the name of the applicant. As per the information supplied by the said employment exchange, the date of birth of the applicant was given as 1960 as not verified. The applicant furnished an affidavit stating therein the date of birth as 18-10-1964. It is stated in the written statement that even after her working as part time sweeper, an affidavit can not be a substitute to a date of birth certificate. It was taken her year of birth in 1960 although she was over age at the time of interview and thereafter they did not allow her to work. However, it is admitted that she was engaged by the branch manager on purely casual basis. She concealed the correct age and filed a false affidavit which was contrary to the age given by her to the office of the employment exchange. Further she was engaged by the branch manager purely on casual basis and she was not eligible for appointment as she was over age and the bank management has not violated any provisions of law. She

working for Municipal Committee Sirsa and working part time with the bank, therefore, not entitled to any relief.

5. Thereafter, workman Maya Devi filed her affidavit Ex. W1 in evidence. The management filed the affidavit of Ashok Kumar Dhar AGM Indian Bank but did not produce the said witness for cross-examination by the workman. However Maya Devi appeared as her own witness as WW1 and her affidavit as W1. Detailed cross-examination was done of the workman by the learned advocate of management Shri Jagmohan Lal. He also made a statement that he does not want to lead evidence on behalf of the management and closed the evidence on behalf of the management without examining any witness. Hence no witness even appeared or examined or cross-examined on behalf of the bank.

6. Arguments heard. Learned counsel for the management in arguments who argued first submitted that in this case the workman badly failed to prove that her termination was illegal. It is quite just and legal. He submitted that when Sirsa Branch was opened on 21-1-1995, the workman was engaged on part time sweeper in that newly opened branch. She was appointed through employment exchange as her name was sponsored by the employment exchange with other candidates but date of birth given as 1960 in the exchange record which was not verified by the employment exchange and during the employment with the bank she filed an affidavit stating her birth of the year 1964 and the affidavit is not a conclusive proof of age, not a substitute for the date of birth certificate. Relying on the Employment Exchange record on the date of birth of as 1960 and on that date even on the date of interview she was overage and therefore, her services were terminated and she was not given an appointment letter. He also admitted that one affidavit of the management's witness filed but management did not produce this witness in support and therefore, as no witness appeared for the management for cross-examination by the representative of the workman. He submitted that as the workman was overage, therefore, her services were terminated and she is not entitled to any relief.

7. On the other hand, in reply to the arguments of the management, learned counsel for the workman submitted that on the demand notice of the workman, competent authority sent a reference to this Court as under :

"Whether the action of the management of Indian Bank in terminating the services of Smt. Maya Devi Part Time Sweeper w.e.f. 18-12-1995 is just and legal? If not, to what relief is the workman entitled to?"

8. As per the reference the management is to prove whether the action of the management in termination of

the services of workman w.e.f. 18-12-95 is just and legal. In support of their contention the management led no evidence and did not produce any document or any evidence in this Court. On the other hand, workman Maya Devi herself appeared as WW1 and produced her affidavit wherein she deposed that she joined the services of the bank on 19-1-1995 at Sirsa as part time sweeper against the permanent vacancy after completing the required formalities. That the work for which the applicant was appointed was of permanent nature and continued to be available even after the illegal termination on 18-12-1995. That the bank has not issued any appointment order. That part time worker according to para 508 of the Sastry Award is a category of worker in the banking industry. The bank has not prescribed any eligibility criteria/qualification for the part time sweeper and her name was sponsored by the employment exchange. The petitioner also raised the industrial dispute before the ALC@Rohtak and a reference was made to this Court for adjudication. The respondent has taken uncalled for plea that the petitioner was over age at the time of employment in the bank and the petitioner was appointed after considering the eligibility by the competent authority. The manager was competent to appoint a part time sweeper. The petitioner was never employed in any other department including the Municipal Committee, Sirsa. The management has violated the mandatory provisions of law as contained in Sastry Award/Desai Award read with Bipartite Settlement and her services were terminated in violation of Section 25F, G, H read with 25B of the I. D. Act, 1947 and termination of her service is illegal and that the management should re-instate her with full back wages and continuity of service and other benefits.

9. Learned counsel for the workman further submitted that the management filed no document against the stand of the workman. They did not file even employment exchange documents to counter her affidavit, wherein the year of birth is shown as of 1960. No notice was given, no enquiry was made, no medical examination was done to ascertain the age of the workman. The workman being lady sweeper is a illiterate person and at the time of her employment and joining the services of the bank, she filed an affidavit wherein she stated her correct year of birth as of 1964 and at that time she was within age as per that affidavit. Even that affidavit has not been filed in the court by the management. The bank led no evidence to rebut the evidence of the workman neither documentary or oral in any manner to prove their stand. Workman is illiterate and has no date of birth certificate, no law has been produced that where there is no age proof, her affidavit will not be considered. It is not the case of the management that she is concealing the date of birth certificate or proof of age. She submitted affidavit only when there was no other proof available with the workman, and if her date of birth was found

incorrect, they should obtained her date of birth from the employment exchange itself. Not filling record of the Exchange of the date of birth as of 1960 by the bank in Court reveals that no such document is with them or in existence and proof of her age i.e. the affidavit filed by the workman at the time of joining the bank is correct. In the circumstances the bank failed to established that her termination was just and legal and right and that she was over age at the time of joining. He submitted that as there is no evidence of the management on record and the workman has proved her case that she worked in the bank w.e.f. 19-1-1995 till 17-12-1995 for more than 240 days and that her selection and appointment was made as part time sweeper when her name was sponsored by the employment exchange with other eligible candidates and she was duly found fit and appointed on part time basis as sweeper against the permanent vacancy in the bank by the competent authority.

10. Learned counsel for the workman submitting while summing up his arguments that workman has proved its case that her termination was illegal and unjust. There is not an iota of evidence of management to disprove or rebut the evidence of the workman. Hence workman a poor person has fully proved her case. Hence reference may kindly be answered against the management and in favour of the workman and give all benefits U/S 25 of the I. D. Act and may order the management to appoint her as part time sweeper with all consequential benefits.

11. In view of the above submissions of the learned counsels for the workman and the management, I found that both the parties are in agreements that in this case there is a short dispute to be solved that whether the workman was over aged at the time of interview and her appointment and that whether she concealed her age and had filed her affidavit to the bank management which is incorrect. The management contentions are that undisputedly as she was over age on the date of interview and appointment as her year of age as per employment exchange is of the year 1960, her services were terminated and she was disengaged and her termination is just and legal.

12. It is also a fact that management did not brought an iota of evidence to prove the termination of the workman as legal on the ground that she was over age and had filed a false affidavit. The management had cross-examined the witness of the workman but did not prefer to lead evidence in defence. The workman proved her affidavit Ex. W1 and there is no evidence in rebuttal against the evidence of the workman. It is also admitted and there is no dispute that workman was appointed through employment exchange and after holding all necessary recruitment process she was appointed part time sweeper workman w.e.f. 19-1-1995 at Sirsa Branch. Management contentions are that workman born in the year 1960 as per the record of the employment exchange

but as per affidavit filed by her in the bank, the year of her birth is 1964. As per her birth of 1960, she is overage and as per the year 1964 she is not overage but it is all oral averments of the written statement only. It is also alleged by the management that she was working some where also but the management did not even prove this contention by any evidence. I have found that the management who were having complete record did not file employment exchange record to prove that year of birth of workman was of 1960 and also did not file any document. The management also did not led any oral evidence to rebut evidence of the workman that she was not born in the year 1964 or that her affidavit of age is false. There is no evidence of the management to prove that action of the management in terminating the services of Ms. Maya Devi part time sweeper w.e.f. 18-12-1995 is just and legal. On the other hand by evidence of the workman as WW1 it is proved that she was illegally terminated and she was appointed after following proper recruitment procedure after calling her from the employment exchange on a permanent vacancy and that the respondent had also taken an unproved plea that the petitioner was over age at the time of employment in the bank. Had it been so, bank never called the petitioner for interview and at the time of joining the service and she might not appointed after considering eligibility and completing all the formalities. She had also denied on oath that she was employed in some other department also as part time.

13. In view of above submissions and my perusal of the above evidence on record. I am of the considered view that the management have failed to prove that the action of the management of the Indian Bank in terminating the services of Smt. Maya Devi part time sweeper w.e.f. 18-12-1995 on the ground of her over age is just and legal. On the other hand the workman has proved that the termination of the services of the workman from 18-12-1995 is illegal and unjustified and there is no evidence brought by the management on record that she was over age at the time of her appointment.

14. As I have already held above that the management has failed to prove that their action was just and legal on the other hand workman has proved her case, I am of the considered view that workman succeeds. The reference is accordingly answered in favour of the workman. As the reference is answered in favour of the workman holding that her termination was illegal and unjustified w.e.f. 18-12-1995, the bank management is directed to reinstate the workman as part time sweeper from the date of her termination i.e. 18-12-1995 with full back wages and with all consequential benefits. Central Govt. be informed. File be consigned to record.

Chandigarh
17-3-05

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 141/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-12012/5/1999-आई. आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 141/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh No. 1 as shown in the Annexure, in the Industrial dispute between the management of Syndicate Bank, and their workmen, which was received by the Central Government on 26-4-2005

[No. L-12012/5/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH
CASE NO. I.D. 141 OF 1999**

The State Secretary,
Syndicate Bank Employees Union,
C/o. Syndicate Bank,
Ballabhgarh, Haryana ... Applicant

Versus

The Assistant General Manager,
Syndicate Bank,
6, Bhagwan Dass Road, Sarojini House,
New Delhi-110001. ... Respondent

APPEARANCES :

For the Workman : None
For the Management : Shri A. K. Jaiswal,
Advocate.

AWARD

Passed on 30-3-2005

Central Government vide Notification No. L-12012/5/99/IR(B-II) dated 28-05-1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management, Syndicate Bank in imposing/recovery of Rs. 20,000 from the

salary of Shri Ranbir Kumar Bhalla, Special Assistant, Adampur Doaba Branch is just and legal ? If not, what relief the concerned workman is entitled to and from what date ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman Learned counsel for the management Shri Jaiswal submitted that workman federation appears not be interested as the it appears that there is no grievance now of the workman's federation and therefore, they are not persuing it and also not appearing in the Court despite registered notices. He also submitted that workman federation is well aware of the Court proceedings as acknowledgement has been received which shows that the notices was received by them. Court notice was issued to the federation several times but till today on 9 dates federation never put their appearance. Hence as they are not interested, the reference may be returned against the federation.

3. In view of the above submission and the fact that the federation is not appearing to persue with the present reference. The reference is returned vide separate award of even date, against the union/federation. Central Government be informed. File be consigned to record.

Announced

30-3-2005.

RAJESH KUMAR, Presiding Officer.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1869.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 130/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2005 को प्राप्त हुआ था।

[सं. एल-12011/203/2000-आई. आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 130/2000) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure, in the Industrial dispute between the management of Punjab National Bank, and their workmen, which was received by the Central Government on 26-04-2005

[No. L-12011/203/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE
IN THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, NEW DELHI

PRESENT :

S.S. Bal : Presiding Officer

I.D. No. 130/2000

In the matter of dispute between :

Shri Ravindra Kumar, Ex-Waiter,
 Through P.N.B. Canteen Workers Union,
 Shri Santosh Kumar Tiwari,
 C/o. PNB C.W. Union,
 A-20(A-48), Ganesh Nagar,
 Pandav Nagar Complex,
 Delhi-110092. . . . Applicant

Versus

The Dy. General Manager,
 Punjab National Bank,
 5, Sansad Marg,
 New Delhi-110001. . . . Management

APPEARANCES :

None for workman.

Shri Anil Kumar Gupta for management.

AWARD

By this Order/Award I shall dispose of the following reference received from the Ministry of Labour vide Notification No. L-12011/203/2000-IR(B-2) dated 24-11-2000. The terms of reference are as under :

"Whether the action of the Dy. General Manager, Punjab National Bank, 5, Sansad Marg, New Delhi, as principal employer, in restricting the canteen contractor presently M/s. Nishu Caterers not to engage Shri Ravindra Kumar, Ex-Waiter who has claimed to have worked for more than six years with the earlier canteen contractor is justified, reasonable and void ? If not, what relief and benefit he is entitled to ?"

2. On receipt of the reference dated 24-11-2000 notices were issued to the parties for appearance and in response to the said workman and respondent management appeared. Workman filed claim statement and the management filed written statement and A/R for the workman appeared on 19-2-2004 and workman was, however, proceeded *ex-parte* vide order dated 17-1-2005 as he failed to appear despite numerous opportunities and final opportunity. Management filed affidavit of Kulbir Singh in evidence.

3. Case of the workman as disclosed in his claim statement is that workman Shri Ravinder Kumar is that

he has been employee of opposite party P.N.B. and M/s. Nishu Caterers and his last drawn wages were Rs. 1548 P.M. He worked to the satisfaction of the management but management terminated his services w.e.f. 5-6-1994 without any rhyme and reason and any order in writing. It is further stated that the respondent Punjab National Bank, Sansad Marg engaged a contractor for employees. Canteen contractors appointed employees with the consent of the management and workman Shri Ravinder Kumar was working in the canteen to the entire satisfaction of the management. Bank management engaged contractors for a year or more but employees continues on duty without any break. Punjab National Bank Principle Employer is duty bound to make it sure that continuity of service of workmen who have been working for the welfare of the employees should not be disturbed. It is stated that the workman concerned went to his native place on 10-4-1994 after taking leave from the management and he returned on 4-6-1994 and reported for duty on 5-6-1994 but he was not allowed to join duty despite repeated requests. It is further stated that the termination of services of the workman is illegal, unjustified and against the principle of natural justice and fair play. Workman is entitled to reinstatement with full back wages and continuity of service and he has accordingly prayed for the same.

4. Claim of the workman has been contested by the management by filing written statement taking preliminary objections that the bank has provided purely by way of welfare activity canteen facility at its offices and one of such canteens is at 5, Sansad Marg, New Delhi-110001; that the said canteen is managed by canteen contractor who engages persons to work in execution of the said contract. The Hon'ble Supreme Court in the case of management of R.B.I. Vs. their workmen (1996 Lab. IC 1049 SC) has held that the persons engaged by a contractor for running the canteen are not the employees of the said bank since there was no statutory obligation on the said bank to provide canteen services. This law has been followed by S.C. in case S.B.I. and others Vs. State Bank Canteen Employees Union (Bengal Circle) [JT 2000 (5) SC 63]. It is further stated that there is no relationship of employer and employee between the bank and the workman and thus there is no industrial dispute between the workman and the management. It is further stated in I.D. 88/92 captioned as Ichhu Sarkar and Ors. Vide its award dated 20-4-2001 the pre decision of this Tribunal has held that the persons working in the canteens at various offices of the bank in Delhi are not the employees of the bank; that the reference is bad in law and suffer from latches. Avertisments made in the claim statements are wrong and denied. On merits it is admitted that the reference has been referred to this court. However, it is denied that Ravinder Kumar has been in the employment of the bank since 23-6-80 as sweeper against permanent

post and was drawing a salary of Rs. 1548/- when his services were terminated on 5-6-1994. It is stated that Ravinder Kumar was never appointed in any capacity whatsoever by the bank and accordingly question of terminating his services does not arise. Rest of the paras are similar in nature formal and denied and is not worth while to repeat them.

5 Written statement was followed by rejoinder wherein the contents of the claim statement reiterated to be correct and those of written statement are denied. Thereafter, case was fixed for evidence of the workman. Workman, however, did not appear and adduced any evidence and was ultimately proceeded ex parte. On the contrary management adduced evidence by filing affidavit of Shri Kulbir Singh, Officer of the Bank and his statement was recorded and his affidavit is Ex. MW1/A. As per evidence of Shri Kulbir Singh MW1 workman has never worked as sweeper in the management as claimed and such he was not employee of the management bank. He has proved his affidavit as Ex. MW1/A. From his statement on oath compiled with the averments made in the affidavit duly proved as Ex. W1/A, it is proved that the workman Shri Ravinder Kumar was not employee of the bank in the absence of any rebuttal to the contrary and as such as the workman has not appeared and adduced evidence. Thus in the absence of any evidence on the part of the workman, I have no opinion but hold that action of the management of P.N.B. in restricting Canteen Contractor not to engage Ravinder Kumar Ex-Waiter is legal and justified. MW1 has not deposed a word pertaining to the reference in question. Neither any evidence has come on record that the respondent bank has restricted M/s. Nishu Caterers to engage Mr. Ravinder Kumar ex-waiter (workman). Thus it is apparent on the face of the record that there is no material to show that the respondent bank P.N.B. has ever restricted/restrained M/s. Nishu Caterers to engage services of Ravinder Kumar ex-waiter. In view of this M/s. Nishu Caterers is free to engage the services of the workman as waiter if so desired. It is worth while to mention here that respondent has no legal right to restrain M/s. Nishu Caterers Canteen contractor from engaging services of any waiter including the workman. The reference is answered accordingly. File be consigned to record room.

Dated : 19-4-2005

S. S. BAL, Presiding Officer.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1870.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारतीय रिजर्व बैंक नोट मुद्रण लिमिटेड, मैसूर (कर्नाटक) एवं सालबोनी (पश्चिम बंगाल) में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 के अन्तर्गत निर्दिष्ट किया गया है, उक्त

अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/2/96-आई आर (पी. एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 27th April, 2005

S.O. 1870.—Whereas the Central Government is satisfied that the public interest requires that the services in the Bhartiya Reserve Bank Note Mudran Limited, Mysore (Karnataka) and Salboni (West Bengal) which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/2/96-IR(P.L.)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. .—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 3252 दिनांक 8-12-2004 द्वारा ईंधन गैसों (कोयला गैस, प्राकृतिक गैस और ऐसी अन्य) के प्रसंस्करण एवं उत्पादन में लगे उद्योग में सेवाओं को जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 29 में शामिल हैं, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-12-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-6-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/2/2003-आई. आर. (पी. एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 27th April, 2005

S.O. 1871.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947) declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 3252 dated 8-12-2004 the service in the industry engaged in the Processing or Production of Fuel Gases (Coal Gas, Natural Gas and the like) which is covered by item 29 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th December, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 15th June, 2005.

[F. No. S-11017/2/2003-IR(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सी. पी. डब्ल्यू. डी. प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोजीकोडे (संदर्भ संख्या 6/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2005 को प्राप्त हुआ था।

[सं. एल-42012/84/2001-आई आर (सीएम-II)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/01) of the Industrial Tribunal, Kozhikode as shown in the Annexure, in the industrial dispute between the management of CPWD and their workmen, which was received by the Central Government on 27-04-2005.

[No. L-42012/84/2001-IR (CM-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

IN THE LABOUR COURT, KOZHICODE, KERALA STATE

Dated, this the 26th day of March, 2005

PRESENT :

Shri K. Balasubramanian, B. Com., LL.B.,
Presiding Officer.

ID (C) No. 6/01

BETWEEN

The Executive Engineer,
C.P.W.D. Calicut Central Division,
Calicut-5. Management

AND

The Secretary,
C.P.W.D. Mazdoor Union,
Calicut. Union

REPRESENTATIONS :

Sri M. K. Abdul Basheer,
Advocate, Calicut. For Management

Sri P. S. Murali & K. V. Sandeep,
Advocates, Calicut. For Union

AWARD

This reference was made by the Government of India, Ministry of Labour as per Order No. L-42012/84/2001 dated 21-11-2001 to consider the justifiability of the action of the management in not counting, the past services of the worker for reckoning his eligible service benefits.

2. In pursuance of the notice, both parties appeared through counsel and filed their respective statements.

3. The case of the worker shortly stated is that : He was appointed as Chowkidar at Calicut Karipur Airport by the management as nominee of Zainik Welfare Office. He worked in that post till 30-10-1986 on which day his service was unjustly and illegally terminated by the management. Thereafter he was reinstated in service by the management w.e.f. 8-12-1988 and was posted as Chowkidar at C.P.W.D. stores at Customs House, Calicut. The management has not considered his past services rendered at Karipur Airport and hence this industrial dispute was raised.

4. According to the management the worker was offered employment purely on temporary basis as nominee of Zilla Sainik Forum and was posted in the Calicut Airport. Even as per the terms of appointment he has no right of confirmation or permanent absorption in the department. When the project work of the Karipur was handed over, his service was terminated on 2-4-1988. When a regular post of Chowkidar fell vacant in the C.P.W.D. store, a fresh list of candidates was called from Zilla Sainik Forum and the worker who was one among the list was offered appointment after conducting interview and as per rules. It was a fresh appointment. Accordingly he joined the service on 8-11-1988. The worker had also

undertaken not to make any claim to include his past services. In the above circumstances the applicant does not deserve any reliefs.

5. The evidence consists of the oral evidence of WW1 and MW1 and Exts. W1 to W2 and Ext. M1 to M3.

6. The points for consideration are :—

(1) Whether the workman is entitled to count his past services rendered at the Karipur Airport from 13-10-1986 to 2-4-1988 for reckoning his service benefits ?

(2) Further relief liable to be granted ?

7. **Points.**—The worker while examined as WW1 has given evidence about his eligibility for reckoning his past services whereas the Executive Engineer, C.P.W.D. while examined as MW1 has given counter evidence denying his eligibility. It is in evidence that the worker, an ex-service personnel, was offered employment as a nominee of Zilla Zainik Welfare Board. Initially he was given appointment as temporary Chowkidar as per Ext. M1 office order dated 6-10-1986 issued by the Executive Engineer. Thereafter as per Ext. W1 order dated 29-3-1988 (Ext. M2 being the same) he was terminated from service w.e.f. the A.N. of 2-4-1988. Then again he was given appointment in the present post as per Ext. W2. Ext. M3 is an undertaking allegedly executed by the worker in favour of the Executive Engineer not to make any claim to include his past services for the purpose of reckoning his service or for any other purposes. When confronted with, the worker admitted his signature in Ext. M3 whereas a suggestion was put to the management witness that Ext. M3 happened to be given under the then prevailing pressing circumstances to get employment on the insistence of the management.

8. Let apart the oral testimonies of the witnesses, Ext. M1 contains a specific stipulation that the offer is purely temporary and that the incumbent has no right of confirmation or permanent absorption in the department. It also contains a clause that the appointment is liable to be terminated at any point of time without assigning any reason and that the appointee will have no right or claim for getting permanent appointment. Ext. W2 also contains similar stipulations.

9. A temporary labourer also falls within the definition of 'workman' and merely because a worker was temporarily appointed, his services cannot be terminated any point of time without adverting to the provisions of S. 25F of the Act unless he comes within the exempted categories of S. 2(oo) of the Act. There is nothing to show that initially the workman was appointed for any specific term or any specific work though such a contention was attempted to be advanced at the time of evidence from the

respondent's side. But in this case the worker accepted the termination without any demur. Ext. W2 would show that the worker was given a fresh appointment on the second occasion. There is no mention about his previous service in Ext. W2. The workman having accepted Ext. M1 conditions and entered the service is estopped from making any claim on the basis of his initial employment. Even assuming that he was unlawfully retrenched at the first instance his remedy is elsewhere. A comparative reading of the various clauses in Ext. M1 and Ext. W2 would also further make it clear that the workman was given regular appointment and posting only in the present post. So, at any rate, his service in the Karipur Airport is not liable to be counted for reckoning his service.

10. The learned counsel for the worker placing reliance on Regulation No. 21.02 of the C.P.W.D. Manual contended that temporary workman discharged from service on account of the completion of work and who are re-employed in the C.P.W.D. are entitled to count their past service for fixation of pay and retirement benefits in the new unit.

11. Reading of the said clause would make it clear that it deals with a situation of absorption and transfer of surplus work charged staff of one unit into another. The said clause is not applicable to the case in hand.

12. From the facts and circumstances, I find that the worker has failed to establish his claim.

13. In the result, an Award is passed holding that the worker is not eligible to count his past services at the Karipur Airport for reckoning his service benefits.

Dictated to the Confidential Assistant, transcribed by her, revised, corrected and passed by me on the 26th day of March, 2005.

K. BALASUBRAMANIAN, Presiding Officer.

APPENDIX

Witnesses examined on the side of the Management :—

MW1 P. G. Sivasdas.

Witnesses examined on the side of the Union :—

WW1 C. K. Narayanan Kutty.

Documents marked on the side of the Management :—

Ext. M1 The copy of the Temporary Appointment Order issued to Narayanankutty by the Management.

Ext. M2 The copy of the Retrenchment Order issued to Narayanankutty by the Management.

Ext. M3 The letter given to the Executive Engineer, CPWD, Calicut by the Worker Narayanankutty.

Documents marked on the side of the Union :—

Ext. W1 The Office Order issued by the Management to the worker.

Ext. W2 The True copy of the Appointment Order issued by the Management to the Worker C.K. Narayanankutty.

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1873.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल. सी./आर./234/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2005 को प्राप्त हुआ था।

[सं. एल-22012/427/1994-आई. आर. (सी.-II)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/234/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 27-04-2005

[No. L-22012/427/1994-IR (C-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/234/97

Presiding Officer : Shri C. M. Singh

The Regional Secretary,
Samyukta Khadan Mazdoor Sangh,
Post West Chirimiri Colliery,
Distt. Surguja (MP).

... Union/workman

Versus

The Sub Area Manager,
N.C.P.H. Colliery,
Post Haldibadi,
Distt. Surguja (MP)

... Management

AWARD

Passed on this 18th day of April, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/427/94-IR(C-II) dated

30-7-1997 has referred the following dispute for adjudication by this tribunal :—

"Whether the demands raised by the Samyukta Khadan Mazdoor Sangh, vide their letter dated 28-8-92 over grievances of Shri Radheyshyam Mech. Fitter NCPH Colliery of SECL are legal and justified? If so, to what relief is the workman entitled and from which date?"

2. After receiving the reference order, it was duly registered on 26-8-97 and notices were issued to the parties to file their respective statements of claim. Even after sufficient service of notice on the Union/workman, no body put in appearance for them. The Union/workman failed to file the statement of claim. The reference proceeded *ex-parte* against the management. Shri A.K. Shashi, Advocate the learned counsel for the management on 15-4-2005 submitted that since the workman/Union is not interested in the reference and not prosecuting the reference therefore the management is not interested in defending the reference. Under the above circumstances, the reference was closed for Award.

3. It is very clear from the above that neither the workman/Union nor the management is interested in prosecuting the reference. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the Award be sent to the Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डब्ल्यू. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल. सी./आर./40/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2005 को प्राप्त हुआ था।

[सं. एल-21012/42/86-डी-III (बी)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/40/88) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 27-04-2005

[No. L-21012/42/86-D-III (B)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR****NO. CGIT/LC/R/40/88**

Presiding Officer : Shri C. M. Singh

The Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh,
(INTUC),
PO Chandametta
Distt. Chhindwara (MP) . . . Union/workman

Versus

The General Manager,
Western Coalfields Ltd.,
PO Parasia,
Distt. Chhindwara (MP) . . . Management

AWARD**Passed on this 15th day of April, 2005**

1. The Government of India, Ministry of Labour vide its Notification No. I-22012/42/86-D-III(B), dated 6-4-1988 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Western Coalfields Ltd., Pench Area, Parasia, Distt. Chhindwara (MP) in retiring Shri S.K. Hussain, S/o Inmanuddin Boiler Fireman of Rawanwara Khas Colliery with effect from 6-8-1984 is justified ? If not, to what relief is the workman concerned entitled to ?"

2. After the reference order was received, it was duly registered on 12-4-88 and notices were issued to the parties to file their respective statements of claim. On 6-1-2005, the date fixed in the case, Shri S.K. Rao, Advocate learned counsel for the late workman in the presence of Shri A.K. Shashi, Advocate learned counsel for the managements intimated this court that the workman is no more. On request being made on the above date 13-4-2005 was fixed for evidence on behalf of legal representatives of the workman if any. On this later date, Shri S.K. Rao, Advocate in the presence of Shri A.K. Shashi, Advocate for management submitted that the legal heirs of the deceased workman do not want to prosecute this reference and he requested that the reference be closed for award. Shri A.K. Shashi, Advocate for the management submitted that he has no objection to the aforesaid submission made by Shri S.K. Rao, Advocate. Under the above circumstances, this reference was closed for Award as the legal representatives of the late workman are not interested in prosecuting this reference.

3. Under the above circumstances, No dispute Award is passed without any order as to costs.

C. M. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2005

का. आ. 1875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डब्ल्यू. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई.टी./एल. सी./आर./41/86) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2005 को प्राप्त हुआ था।

[सं. एल-22012/58/85-डी-V]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th April, 2005

S.O. 1875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/41/86) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of WCL and their workmen, which was received by the Central Government on 27-04-2005

[No. L-22012/58/85-D-V]
S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR****NO. CGIT/LC/R/41/86**

Presiding Officer : Shri C. M. Singh

The Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh,
(INTUC),
PO Damua,
Distt. Chhindwara (MP) . . . Union/workman

Versus

The Manager,
Damua Colliery,
PO Damua,
Distt. Chhindwara (MP) . . . Management

AWARD**Passed on this 15th day of April, 2005**

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/58/85-D-V, dated

7-3-1986 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Damua Colliery of WCL, PO Damua, Distt. Chhindwara in not fixing S/Shri Javed Quareshi, Habib Khan, I.P. Sharma, Sulaiman Ahmod, Manicrao, Jalikhan, Krishna Bholarao and Jamir Ahmod, Clerks Grade-II who are performing multifarious duties, in clerks Gr. I is justified? If not, to what relief the workers are entitled?”

2. After the reference order was received, it was duly registered on 14-3-86 and notices were issued to the parties for filing their respective statements of claim. The reference was fixed for argument on 15-4-2005. On this date, the management filed application along with memorandum of settlement on Form-H praying that the Award be passed in terms of settlement. Shri S.K. Rao Advocate counsel for the workman/Union submitted that he has no objection if the award is passed in terms of settlement. The aforesaid application and the memorandum of settlement is accompanied with an affidavit of Shri Gulam Hussain, Personnel Manager, Area Headquarters, WCL, Kanhan Area, I have gone through the memorandum of settlement. It is duly signed and verified by the parties. The terms of settlement are as under :

- (i) It has been agreed by RKKMS (INTUC) Union, Chandametta to withdraw the case from CGIT, Jabalpur.
- (ii) It has been agreed by the management to grant SLU under the provision of NCWA benefit to the 4 clerks involved in the dispute viz (1) Shri Habib Khan (2) Shri Jatil Khan (3) Ishwari Prasad and (4) Shri Krishna Bhalerao. Out of remaining 4 clerks viz Shri Javed has accepted Accounts cadre (2) Shri Suleman, (3) Shri Manikrao and (4) Shri Zamir Ahmad is no more on the Company's roll on account of their death.
- (iii) This settlement shall not be cited as a precedence in any other case or at any other time.
- (iv) Neither the workman himself nor concerned union or any other union shall raise any dispute relating promotion of these 4 clerks before any authority, statutory or non-statutory, judicial or non-judicial.
- (v) This settlement is full and final settlement about the deployment of above person in time rated category.

3. I have perused the above terms of memorandum of settlement. The terms and conditions appear to be just,

fair and lawful. I therefore record my award in terms of settlement arrived at between the parties and made no orders as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 28 अप्रैल, 2005

का. आ. 1876.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचात (संदर्भ संख्या 276/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2005 को प्राप्त हुआ था।

[सं. एल-12012/166/1999-आई. आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th April, 2005

S.O. 1876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 276/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank, and their workmen, which was received by the Central Government on 27-04-2005

[No. L-12012/166/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 276 of 99

In the matter of dispute between :—

The Organising Secretary
Syndicate Bank Staff Association
U.P. State Office
C/o Syndicate Bank 51 'B' Block
Near Gurudev Palace
Kanpur-208 025

AND

Syndicate Bank
Dy. General Manager, SB, Zonal Office
Naval Kishore Road, Skylark IIIrd Floor
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/166/99-IR (B-II) dated 5-10-99 has referred the following dispute for adjudication to this Tribunal :—

1. Whether the action of the management, of Syndicate Bank in imposing the penalty of reduction of basic pay by one stage for one year of Sh Y. K. Jain, Special Asstt. is just, fair and legal ? if not what relief he is entitled to and from what date ?

2. Whether the action of the management of Syndicate Bank in cancellation of promotion order of Sh. Y. K. Jain Special Assistant for the post of Officer Cadre is just fair and legal ? if not what relief he is entitled to and from what date ?

2. The brief facts giving rise to the penalty case of the workman are that the workman was appointed as clerk in Syndicate Bank w.e.f. 24-6-70 and the workman subsequently was promoted as Special Assistant w.e.f. 1-1-81, a post attracting special allowance. It is alleged by the workman that while posted at Pilkhuwa branch of the bank in Ghaziabad an application for issue of new cheque book in the Saving Bank Account No. 14396 of an account holder Sri Murari Lal was received at the branch on 19-7-90, and after the branch manager had authorised the issuance of cheque book under his signatures on the said application, the clerk concerned issued a new cheque book in the said account after the workman had verified the signatures of the applicant account holder on the application with his specimen signature on the bank's record. It has been further alleged by the workman that on 20-7-90 a cheque for Rs. 6,000 issued from the above new cheque book was presented for payment to the branch, which was passed by the workman after duly comparing the signatures of the account holder thereon with his specimen signature on the bank's record and it was duly paid by the department of the branch. The said account holder visited the branch of the bank and complained to the branch manager that he had not withdrawn the amount of Rs. 6,000 from his account on 20-7-90. The branch manager on receipt of the complaint obtained expert's opinion of hand writing expert on the signatures of Sri Murarilal on the cheque book requisition application dated 19-7-90 and on cheque for Rs. 6,000 with his admitted signatures and after obtaining such report of handwriting expert the branch manager sent a letter dated 1-9-90 to the bank's Divisional Manager at Ghaziabad, there conveying confirming that the signatures of the account holder Sri Murari Lal on his cheque book requisition application dated 19-7-90 and on the cheque for Rs. 6,000 paid on 20-7-90 were tallying with his specimen signature on the bank's record the account holder after lapse of period of 2 years filed a case before the Consumer Forum in which the stand of the management bank was that the

new cheque book was issued to the account holder on basis of his application dated 19-7-90 in due course and his signature thereon was tallying with his specimen signature on the bank's record; that on 20-7-90 the account holder had himself presented the cheque for Rs. 6,000 from the said new cheque book which was paid in the course without negligence after tallying the signatures therewith his specimen signatures available on bank's record; the hand writing expert also testified that the signatures account holder Murari Lal on the cheque book and requisitic application for and on the cheque for Rs. 6,000 tallied with the admitted signatures of the Account holder Sri Murari Lal and that the bank made the payment in due course and in good faith without any negligence adopting due care diligence precautions as per norms of the bank. Beside above ground the bank has also denied the claim of the account holder Sri Murari Lal before Consumer Forum Ghaziabad. Ultimately Consumer Forum allowed the complaint of the account holder against the bank by order dated 2-12-1992 directing the bank to credit the amount of Rs. 6,000 to his account.

3. It has further been alleged by the workman that about a year after the order of consumer forum, a chargesheet dated 19-1-94 was issued to the workman by the bank, charging him for issue of the cheque book in the account of Sri Murari Lal on 19-7-90 without duly verifying the signature appearing on the cheque book requisition on letter and for passing a cheque dated 20-7-90 for Rs. 6000 without verifying the signature appearing on the cheque with that on the specimen signature of the party. The workman made a request before the disciplinary authority on receipt of said chargesheet for providing him copies of certain document for making effectively reply to the charges, which request was however rejected by the bank vide letter dated 10-2-94 and thereafter the workman submitted his reply dated 21-2-94 which too was rejected by the bank vide letter dated 23-6-94. The workman during the course of inquiry vide letter dated 12-11-94 raised number of objection regarding validity of the very initiation of inquiry against him which remained unattended. That after receipt of inquiry finding the bank intimated the workman vide letter 4-5-96 that the Asstt. General Manager Lucknow would be the disciplinary authority in his case. The workman was provided with a copy of inquiry report dated 1-5-96 vide letter dated 6-5-96 of Asstt. Gen. Manager. The workman submitted his reply dated 24-5-96 against the finding of the Enquiry Officer.

The workman thereafter vide letter 5-8-97 received a letter from the Dy. General Manager whereby proposing the punishment as mentioned therein and as desired therein the workman appeared before the Dy. General Manager and gave his submissions to him on 14-8-97 against the proposed punishment and thereafter workman received final orders of the disciplinary authority dated

10-1-98 whereby proposed punishment was confirmed and imposed upon the workman which was in the nature of reduction of basic pay by two stages but the management while implementing the said punishment reduced the basic pay of the workman by five stages in time scale and it was after the long correspondence with the management the bank rectified the said punishment. The said punishment on appeal was modified by the appellate authority to the extent that of reduction in basic pay by one stage for one year. The said action of the management bank was challenged on variety of grounds i.e. that the action of the management was grossly vitiated for the reasons of abnormal delay and being in flagrant violation of the principles of natural justice; that the proceedings of inquiry was illegal and unjustified also because the signatures of the account holder on the cheque book requisition application and the cheque for Rs. 6000 used thereon were not his signatures as alleged by him and the said allegations have already been falsified by the expert's report; action against the workman is wholly illegal merely because the bank lost its case before consumer forum; that the workman have not been furnished with the copies of the relevant documents which prevented the workman from making his effectively reply in his defence; refusal to supply the documents by the concerned officers of the bank has caused great prejudice to the workman in his defence and that the Deputy General Manager and Assistant General Manager both could not have acted as disciplinary authority which is in violation of the provisions of the bipartite settlement.

4. On the second part of the reference order the case of the workman in short is that on 2-8-97 bank had issued a circular for promotion of eligible members of clerical staff to officer cadre and in response thereto Sh. Y. K. Jain the workman concerned herein had submitted an application dt. 9-9-97 for his promotion to officer's cadre. The said application was forwarded to the D. B. M. office Lucknow, certifying thereon that the workman is eligible for promotion in terms of circular dt. 2-8-97. The bank vide letter dt. 28-1-98 informed the workman to participate in the selection process on 9-2-98 and thereafter the bank vide letter dt. 27-6-98 issued promotion order of the concerned workman. The bank again vide order dated 6-7-98 without saying any thing cancelled the aforesaid promotion order dt. 27-6-98. The workman lodge his protest vide his appeal dt. 16-7-98 before the Chairman-cum-Managing Director of the bank against cancellation of his promotion order dt. 27-6-98, which was reject by the bank vide order 12-10-98. The action of the management in rejection of his promotion has also been challenged inter alia on the ground that though the promotion order dt. 27-6-98 stated that the promotion was subject to disciplinary action pending but since the disciplinary proceedings concluded vide punishment order dt. 10-1-98 the said promotion

order dt. 27-6-98 could not have been cancelled, that when the bank knowingly the result of the disciplinary action passed orders of the promotion under these circumstances the bank be estopped from cancelling the promotion order, because the promotion order dt. 27-6-98 could not be resorted to by the bank unilaterally and arbitrarily without giving to the workman an opportunity of being heard against such action. In any case there was no valid reasons for depriving the workman of promotion by way of cancelling the promotion order.

5. On the basis of above allegations it has been prayed by the workman that the action of the management referred to in schedule of reference order is liable to be set aside and the workman be allowed his promotion and consequential benefits and also that the punishment awarded to the workman be quashed.

6. The management of syndicate bank appeared and contested the case of the workman by way of filing written statement where it has been alleged by the bank that the concerned workman issued a cheque book in the account of Sri Murari Lal S/B Account No. 14396 at Pilkhawa branch of the bank and from the said account the workman passed a cheque for Rs. 6000 without proper verification and authentication of the signature of the account holder resulting fraudulent withdrawal from the account, resulting the answering bank into financial loss of Rs. 6300.00 paid to the account holder as per judgement of District Consumer Forum Ghaziabad dated 21-12-92, who has held the said official negligent in his service and thus the answering bank has suffered pecuniary loss due to negligence act of the applicant. For the above lapse and negligence committed by the applicant a chargesheet was served upon him on 19-1-94 and a departmental inquiry was conducted and report was submitted by the inquiry officer on 5-1-96 holding the applicant guilty of charges levelled in the chargesheet and finally the punishment of reduction in basic pay by two stages for one year was proposed by the disciplinary authority on 21-7-97 and after giving personal hearing and proper opportunity of defence to the applicant on 18-4-97 the disciplinary authority vide its order dated 10-1-98 has awarded the aforesaid punishment to the workman. The workman preferred an appeal before the appellate authority against the order passed by disciplinary authority who after going through the entire facts and circumstances and also material available has taken a lenient view and reduce the punishment to the reduction of basic pay for one year instead of two years and in this way the appeal of the workman was disposed off finally by the appellate authority. It has been alleged that the workman has committed gross misconduct for which he has been issued a chargesheet in terms of para 19.5 (j) of First Bipartite Settlement dated 19-10-66. The workman was provided with all relevant documents required by him and after providing full opportunity to defend his case and also after

considering the reply submitted by the workman the inquiry officer has found him guilty of the misconduct and he submitted his report before the disciplinary authority, who after providing personal hearing to the workman *vide* letter dt. 31-7-97 has passed final order of punishment against the applicant on 10-1-98 ordering reduction in basic pay by two stages for one year with immediate effect. It has also been pleaded by the bank that the inquiry was conducted in consonance with the principles of natural justice and the applicant was provided with full and proper opportunity to put forth his defence and as such the allegations made in para under reply are vague, wrong and also against the material available on the record of the bank. The allegation of delay in passing final order of punishment by the disciplinary authority are totally wrong and true fact is that the delay if any, was attributed due to the charge of disciplinary authority and the allegation in this regard taken by the applicant is after thought as this plea was never raised by him before the Appellate authority who has taken a lenient view and reduce the punishment awarded by the disciplinary authority. It is further alleged by the bank that as the matter was subjudice before the Consumer Forum parallel departmental inquiry was not instituted by the management. The bank has denied the fact that report of the handwriting expert was ever produced before the enquiry officer during the course of inquiry by the applicant nor the same, has been relied upon by the applicant before the domestic inquiry by the applicant as the same has not been authorised by the bank. It has also been categorically stated by the bank that the applicant has admitted before the investigating officer that he has committed slip and mistake on his part by not tallying the signature of the account holder on the cheque in question with the specimen signature card and thus there remains nothing to prove the guilt of the application. The contention of the workman regarding non disclosure of evidence the chargesheet does not hold good as there is no provision for indicating the evidence in the chargesheet. However the relevant documents relied upon by the management were made available to the applicant by the inquiry officer during the departmental inquiry. It is further alleged that the reply to the chargesheet submitted by the applicant was not found satisfactory and that the management has decided to get the matter departmentally inquired into the charges and decision in this regard was communicated to the workman and that during the course of inquiry the applicant was provided proper opportunity to defend his case. The management representative during the course of inquiry has submitted the list of witnesses and documents relied upon and the inquiry officer extended full opportunity to the applicant to examine the documents to enable him to defend his case properly. The management produced witnesses who were duly cross examined by the applicant before the inquiry officer. The inquiry proceedings were conducted in accordance with

the principles of natural justice and fair play. It has been alleged by the bank that during the inquiry proceedings each and every documents were presented the genuineness of which has been admitted by the applicant. The applicant on complaint of account holder Sri Murari Lal rather the findings of guilt was based on the investigation report documents on record and the witnesses examined during the course of inquiry proceedings, hence it was not deemed necessary by the management to examine the account holder from whose account wrong withdrawal was allowed by the applicant. The delay in concluding in the inquiry proceedings was due to the applicant as he sought unnecessary adjournment. It is also alleged by the bank that *vide* Circular No. 137/97 dated 2-8-97 the applicant was not eligible for promotion as per promotion policy communicated *vide* the said circular, the applicant knowing fully well that he was not eligible for consideration in the said promotion process being charge sheeted for misconduct and punishment was proposed *vide* letter dt. 31-7-97 has applied for the said promotion though he was finally punished for the said charges. However, due to oversight the fact of punishment imposed upon the applicant could not be brought to the notice of the competent authority while the promotion process was considered and completed and by mistake the promotion was released to the applicant. Subsequently the said mistake was discovered and the mistake was rectified by withdrawing the promotion mistakenly granted to the applicant against the provisions of promotion policy dated 2-8-97 circulated by the bank. In this way the action of the competent authority. Under these circumstances the decision of the competent authority in withdrawing the promotion of the applicant is perfectly in accordance with the promotion policy and as per well settled law of the land it is always open to the management to undone the mistake at any time if it is committed bonafidely and such type of mistake does not confer any legal right to the concerned employee likewise applicant and thus the action of the competent authority is fully legal just and proper in the eye of law.

7. On the basis of above pleadings it has been prayed by the management that the claim of the applicant is liable to be rejected and the reference be answered in their favour.

8. Workman filed rejoinder but nothing new has been stated therein.

9. After exchange of pleadings between the parties and after documents being filed by the parties, tribunal framed a preliminary issue *vide* order dated 27-12-2000 which is as under :—

“Whether the domestic inquiry conducted by the management was not fair and proper?”

10. My learned predecessor *vide* order dated 27-3-2002 held that the management has violated the

principles of natural justice by denying material evidence to the delinquent employee as sought by him during the course of inquiry and preliminary inquiry held against the delinquent employee as well as report of inquiry stand vitiated being made in violation of principles of natural justice. The learned predecessor held that the domestic inquiry against the employee was not fair and proper. The preliminary issue was therefore decided against the management.

11. The management thereafter called upon to adduce evidence to substantiate the alleged charge against the workman. The management reiterated their stand and examined Sri P. N. Umamaheshwaran, Retired Senior Manager, in support of the charges who states that he had conducted the inquiry of wrongful withdrawal of amount of Rs. 6000 on the basis of complaint filed by the account holder Sri Murari Lal on July 19, 1990. The workman examined himself. Both parties have also filed the documents pertaining to complaint made by the complainant account holder, the application for issue of cheque book and the presentation of cheque on the basis of which the alleged amount of Rs. 6000 was paid. The management relies on inquiry proceedings and the documents contained therein.

12. Heard the parties at length through their authorised representative and also perused the entire record carefully.

13. As far as the domestic inquiry whereby delinquent employee Sri Jain has been held to be guilty of the negligent duties which resulted in a loss of Rs. 6000 to the bank on account of payment made to an unauthorised person is concerned the said domestic inquiry has already been held to be improper and unfair by my learned predecessor by order mentioned above. The management on being given another opportunity to substantiate the charge levelled against the delinquent employee has only relied on the report of the inquiry officer and the oral testimony of the officer Sri Umamaheshwaran who has conducted the preliminary inquiry/investigation. The stand of the management is that from the oral testimony of the investigating officer it is proved that the signatures of the person who presented the application for issue of cheque book and also the signatures appearing on the cheque for withdrawal do not tally with the signatures of the specimen card of account of Sri Murarilal. In this connection it may be pointed out that the bank chose to obtain hand writing expert's opinion to ascertain the alleged fraud. Expert's opinion filed by the management are also the workman goes to show that the signatures appearing on the cheque tallies with the signatures appearing on specimen card of the account holder. If this is the circumstances the contention of the workman cannot be brushed on the ground that the management does not rely on the expert's opinion. For

the sake of reiteration the documents sought by the workman was never supplied during the inquiry which prevented the workman to defend him properly. Consequently the domestic inquiry held to be unfair and improper. Consequently the domestic inquiry has been held to be unfair and improper by my learned predecessor being in violation of principle of natural justice. In the above circumstances it has to be seen whether on the sole testimony and statement of the inquiry officer the delinquent employee can be held guilty of the charges levelled against him. The management has failed to adduce any cogent evidence in support of the charges levelled against the workman. At best it can be accepted that a fraud has been committed with the bank but in no circumstances it can be presumed that the fraud was committed with the negligent working or in connivance of the workman Sri Y. K. Jain in the absence of the cogent evidence. In the normal course in working of the bank diligence is expected as that of a common man. From the record it is borne out that the workman in early stand submitted that he has taken due care in discharging his duties while tallying the signatures of the account holder with the signatures appearing on the cheque leaf. Even one step ahead to it this fact is proved by the representation of the hand writing expert that these signatures tally with each other.

14. Another circumstance leads to conclusion in favour of the workman is that all exercise of conducting the inquiry and levelling charges against the delinquent official was made after the judgment passed by District Consumer Forum against the bank. On going through the record it is also clear that the bank in utter disappointment moved an application for allowing opportunity to adduce further evidence before the District Consumer Forum, Ghaziabad, even after passing of the judgment. This fact clearly shows that the complaint pending before the District Consumer Forum was not properly contested on behalf of the management though their stand in favour of the delinquent official as having not committed and negligence and that the signature on the specimen card fully tally with the signatures appearing on the cheque book leaf on which the payment was made. The management even did not care to prosecute further against the said judgment of the District Consumer Forum which again exhibits the dilatory tactics adopted by the management. The management, therefore, cannot be allowed to take advantage of their own fault to shift its burden on the poor workman by holding him guilty of the negligence.

15. After setting aside the domestic inquiry and holding it unfair and improper there is nothing on record to substantiate the charges levelled against the delinquent official. The management has not even examined the complainant account holder Sri Murari Lal during the inquiry conducted by the management nor even cared to

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition.

Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for Electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the

I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure of the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 54/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/62/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/62/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD****PRESENT :**

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer.

Com. C. G. I. T. A. No. 54/04 in Reference No.
C. G. I. T. A. No. 201/04

[Old Com. No. 8/03 in Reference (I. T. C.).
No. 120/99]

S. K. Prajapati,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384002 ... Complainant

Versus

The Director, (Personnel/HR).
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/56(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of

service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference No. 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the

complaint. Hence this complaint is hereby disposed of.
No order as to cost.

Ahmedabad

Dated : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1879.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में ओ. एन. जी. सी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 55/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/63/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/63/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. KAZI (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 55/04 in Reference

No. C. G. I. T. A. No. 201/04

[Old Com. No. 9/03 in Reference (I. T. C.)

No. 120/99]

V. A. Patel,

C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384002

... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003.

... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who complete six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference

(ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 56/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/64/2005-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 56/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/64/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. KAZI (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 56/04 In Reference No.
C. G. I. T. A. No. 201/04

(Old Com. No. 10/03 in Reference (I. T. C.). No. 120/
99)

S. K. Sharma,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384002 ... Complaint

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadha.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who complete six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical &

Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there

is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04.

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1881.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 57/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/65/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/65/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. KAZI (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 57/04 In Reference

No. C. G. I. T. A. No. 201/04

[Old Com. No. 11/03 in Reference (I. T. C.)

No. 120/99]

A. G. Dodiya,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384 002. ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248 003. ... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.
Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who complete six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus its prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any

provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04.

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1882. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 58/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/66/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/66/2005-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. KAZI (B. Sc., L. L. M.), Presiding Officer
Com. C. G. I. T. A. No. 58/04 In Reference
No. C. G. I. T. A. No. 201/04

[Old Com. No. 12/03 in Reference (I. T. C.)
No. 120/99]

R. M. Jaysival,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahakar Nagar,
Mehsana-384002 ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent

Appearances :

Complainant : Shri R. C. Shukla.
Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who complete six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for

adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure of the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 59/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/67/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/67/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. KAZI (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 59/04 In Reference
No. C. G. I. T. A. No. 201/04

[Old Com. No. 13/03 in Reference (I. T. C.)
No. 120/99]

G. S. Vadodavia,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384 002. Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. Opponent

Appearances :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who complete six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not

maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management of the change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक

अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 60/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/68/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/68/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. KAZI (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 60/04 In Reference
No. C. G. I. T. A. No. 201/04

[Old Com. No. 14/03 in Reference (I. T. C.)
No. 120/99]

R. N. Thoria,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sāhkar Naagar,
Mehsana-384002 ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003.

... Opponent

Appearances :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of

service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management of the change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not

recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure of the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 61/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/69/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/69/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD****PRESENT :**

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 61/04 In Reference

No. C. G. I. T. A. No. 201/04

[Old Com. No. 15/03 in Reference (I. T. C.).
No. 120/99]D. K. Patel,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002 ... Complaint**Versus**The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent**Appearances :**

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention

of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the

complaint. Hence this complaint is hereby disposed of.
No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 62/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/70/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/70/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 62/04 In Reference

No. C. G. I. T. A. No. 201/04

[Old Com. No. 16/03 in Reference (I. T. C.),
No. 120/99]

H. N. Sharma,

C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002

... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003.

... Opponent

Appearances :

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference

(ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 63/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/71/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 63/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/71/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 63/04 In Reference

No. C. G. I. T. A. No. 201/04

[Old Com. No. 17/03 in Reference (I. T. C.)
No. 120/99]

H. N. Rathwa,

C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002

... Complainant

Versus

The Director, (Personnel/HR),

ONGC Ltd., Telbhavan,

Dehradun-248003.

... Opponent

Appearances :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical &

Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there

is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1888.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 64/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/72/2005-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/72/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 64/04 In Reference
No. C. G. I. T. A. No. 201/04

[Old Com. No. 18/03 in Reference (I. T. C.)
No. 120/99]

D. S. Patel,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002 . . . Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. . . Opponent

Appearances :

Complainant : Shri R. C. Shukla.
Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not

maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to the change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1889.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक

अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 65/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/73/2005-आई. आर. (विधि)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/73/2005-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 65/04 In Reference
No. C. G. I. T. A. No. 201/04

[Old Com. No. 19/03 in Reference (I. T. C.)
No. 120/99]

M. P. Pandya,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002 . . . Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. . . Opponent

Appearances :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time

bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not

produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 66/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/74/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/74/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 66/04 In Reference
No.

C. G. I. T. A. No. 201/04

[Old Com. No. 20/03 in Reference (I. T. C.)
No. 120/99]

V. N. Thakor,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384002 ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent

Appearances :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for Electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention

of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for Electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the

complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. अ. 1891.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 67/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/75/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Disputes between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/75/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 67/04 in Reference
No. C. G. I. T. A. No. 201/04

(Old Com. No. 21/03 in Reference (I. T. C.).
No. 120/99)

S.D. PARMAR C/o ONGC Electrical & Allied
Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384002 ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003.

... Opponent

Appearances :

Complainant : Shri R. C. Shukla.
Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint under section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference No. 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference

(ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1892.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 68/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/76/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 68/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/76/2005-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B.I. Kazi (B.Sc., L.L.M.) : Presiding Officer

Com. C.G.I.T.A. No. 68/04 In Reference
No. C.G.I.T.A. No. 201/04

[Old Com. No. 22/03 in Reference (I.T.C.)
No. 120/99]

S.L. Prajapati,
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002. ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.
Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service

condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing

the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure of the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 69/2004) को प्रकटित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/77/2005-आई. आर. (विधि)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 29th April, 2005

S.O. 1893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2004) of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/77/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B.I. Kazi (B.Sc., L.L.M.) : Presiding Officer
Com. C.G.I.T.A. No. 69/04 In Reference No.
C.G.I.T.A. No. 201/04

(Old Com. No. 23/03 in Reference (I.T.C.)
No. 120/99)

Sharad. B. Patel

C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002. ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd, Telbhavan,
Dehradun-248003.

... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not

maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management of the change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6 this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad
Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1894.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 70/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/78/2005-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1894.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/78/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.) Presiding Officer

Com. C.G.I.T.A. No. 70/04 In Reference No.

C.G.I.T.A. No. 201/04

[Old Com. No. 24/03 in Reference (I.T.C.) No. 120/99]

P. R. Choudhary

C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Naagar,
Mehsana-384002. Complainant

V/s.

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal

C. G. I. T. A. No. 201/04 as a Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1895.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पेट्रोलियम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, चण्डीगढ़ नं. 1 के पंचाट (संदर्भ संख्या 43/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2005 को प्राप्त हुआ था।

[सं. एल-30012/34/2002-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Institute of Petroleum and their workman, which was received by the Central Government on 27-4-2005.

[No. L-30012/34/2002-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH**

Case No. LD. 43 of 2003

Sh. Satish Kumar C/o Shri Murli,
House No. 760/18,
Om Nagar, Gurgaon.

... Applicant

Versus

1. M/s Indian Institute of Petroleum Management,
Plot No. 83, Sector-18, Gurgaon

2. M/s A. K. Rekhi & Co., Indian Oil Petroleum
Management, Plot No. 83, Sector-18, Gurgaon.

... Respondents

APPEARANCES :

For the workman : None

For the management : Shri Latit Thakur.

AWARD

Passed on 30-3-2005

Central Govt. vide notification No. L-30012/34/2002/IR (M) dated 27-2-2003 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Indian Institute of Petroleum management in terminating the services of Shri Satish Kumar justified ? If not, what relief the workman is entitled to ?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Awaited up to 4 PM. Court notice was issued to the workman for today and on earlier two dates by registered A.D. Post. As per report of the postal authorities, Satish Kumar workman has left his home. Learned counsel for the management submitted that workman appears not to be interested and not appearing in the Court. On earlier notices also, the same report was found that Satish Kumar workman has left his residence and gone to unknown place.

3. In view of the above submission, it is quite clear that workman is not residing on the address given and has left and there is no address of the workman and it appears that he is fairly placed in employment and not interested to pursue with the present reference. In view of the above, the present reference is returned for want of prosecution. Central govt. be informed. File be consigned to record.

Announced RAJESH KUMAR, Presiding Officer
30-3-2005

नई दिल्ली, 29 अप्रैल, 2005

का. आ. 1896.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 52/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2005 को प्राप्त हुआ था।

[सं. एल-30025/60/2005-आई. आर. (विधि)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 29th April, 2005

S.O. 1896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 20-4-2005.

[No. L-30025/60/2005-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B. Sc., L. L. M.), Presiding Officer

Com. C. G. I. T. A. No. 52/04 In Reference
No. C. G. I. T. A. No. 201/04

[Old Com. No. 6/03 in Reference (I. T. C.)
No. 120/99]

N. G. Bhalja
C/o ONGC Electrical & Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mehsana-384002 ... Complainant

Versus

The Director, (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248003. ... Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P. rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C. G. I. T. A. No. 201/04 as an Old I. T. C. No. 120/99 for adjudication. The management of O. N. G. C. trying to modify R. & P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R. & P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I. D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist from any action of modifying R. & P. rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I. D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in

the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R. & P. regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R. & P. policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6 this complaint becomes infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Annexure the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Ahmedabad

Date : 19-12-04

B. I. KAZI, Presiding Officer